



# TITHES Examined and pro- ued to be due to the Clergie by a diuine right.

*The Contents heereof is set downe in the Page next  
following.*

Written by **GEORGE CARLETON.**

*The second Edition revised by  
the Author.*



*AT LONDON.*

Printed by *Humfrey Lownes*, for *Clement Knight*,  
dwelling in Paules Church-yard at the  
signe of the Holy Lambe. 1611.



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Printed by William Lethbridge, for George Humble, 1611.  
In the year of our Lord God 1611, in the 35th year of the  
reign of King James the First, by the command of the  
Archbishop of Canterbury, and the Bishops of the  
Church of England.



TO THE MOST  
Reuerend Father in God, *George,*

by the divine prouidence Lord Archbisshop of  
Canterburie, Metropolitan & Primate  
of all England, and one of his Ma-  
iesties most honourable  
princie Councell.



Vch hath been the prouidence of times ( most reverend Father in God ) not in this age onlie but in many ages of the world heretofore; that manie truths haue been either neglected, as couerred in the dust, or oppresst by the countenaunce and multitude of such as commonlie are readie to condemne the thing which they will not vouchsafe to vnderstand. The feare of which censures moued me long to supprese that which I had written of this question. But finding afterward that this book found some place by the countenance of the reverend L. Archbishop; of late memorie: I am in good hope that vnder your Graces protection it may finde as good fauour, as it hath done before: and thereupon am become thus bolde to present it to your Grace, as a

ss. **pledge**

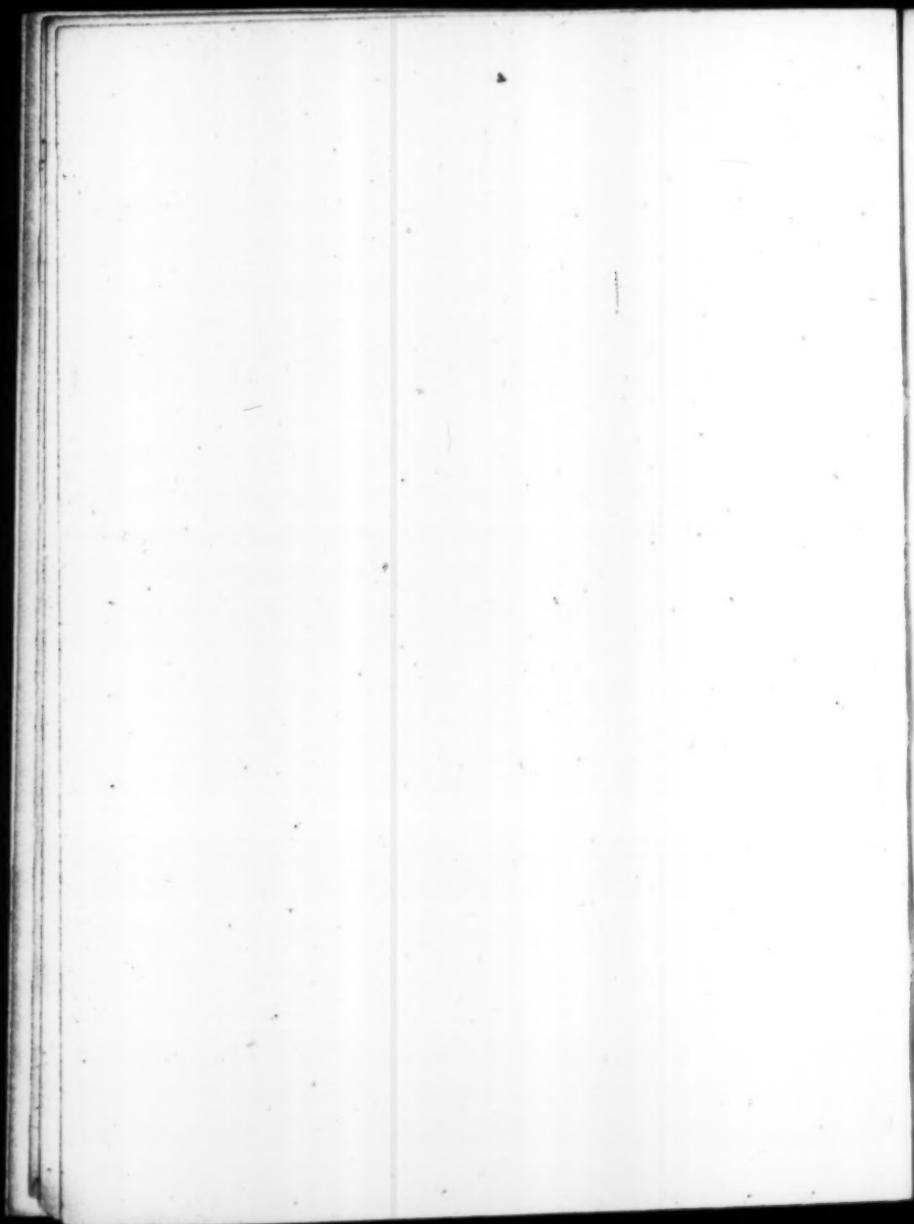
*The Episile Dedicatore.*

pledge of my duetie. And though we be fallen into these euill times, wherin vertue, charity, and all godlinesse seem rather to swim in mens mouthes, then grounded in their hearts, much declining from those auncient times wherein without so great profelion men liued in a godly simplicity, & thought nothing too much to bestowe vpon God & his Church; yet this may not dismay or discourage vs from vndertaking the defence of the truth: nothing doubting but that in the multitude of gain-sayers, some will bee found, with wisedome to consider, and with conscience to practice the things that stand with their owne good, and the comfort of Gods church. And we doubt not, but many moe may be drawen by the graue and godly conuersation of the Cleargie. And seeing for the common good God hath so placed your Grace, that from you, others in inferior places may drawe examples of wisedome, religion, and godlinesse; we can doe no lesse then by our heartie prayers, commend your godly care for his Church to God, which is able to protest you from daunger, prosper your daies, direct your hart, and blesse your godly labors, to the glory of his Name, and the comfort of his Church.

Your Grace to be commanded,  
in all duties,

*George Carleton.*







## To the Reader.



EENING wee are fallen into these  
 last times, times dangerous and filled  
 with much euill, wherein the fur-  
 therances of pietie doe dayly decrease,  
 and the Churche her selfe even with  
 that small portion which shee hath  
 left, is become an vsuall preie, either  
 to the profane Atheist, that will vi-  
 olently rob her, or to the cunning  
 hypocrite that under pretence of long prayers will denoure  
 Gods house: I thought it fit to recommend this learned treat-  
 ise to the indifferent Reader, that men of place in the com-  
 mon wealth, indued with knowledge to support the truthe, may  
 make a conscience to affit the Clergy for obtaining their owne  
 right; least under colour of some vaine title or pretense of  
 custome, the Lord him selfe complaine both against them and  
 vs, that his house is a house of prayer, and we have made it  
 a denne of cheenes. Our Land, I confesse, is faire and blessed  
 like the kingdome of Canaan, but many of the people are like  
 the Anakims, that eate vp the Clergy thereof: and I bough Num. 13  
 Iosias was a good king, yet the times were euill, and a. p. 38  
 nisement of the former sinnes reserved in Gods iustice to the 2. King. 22  
 dayes that followed. And howsoeuer wee cannot wish Iosua 20  
 finde kings in this case, yet I feare mee, wee maie fetch out Spelunca  
 more then fift times fift of our great families made richer by latronum.  
 the spoyles of the Churche, who haue either come in diffem- Ios. 10. 23  
 blinglie like Ieroboams wife, or boldly like Pharo to the Is- 1. King. 14  
 raelites, saying of the Clergy, this people is stronger then we 10  
 are, come let vs worke wilely with them, leaft they multi- Exod. 1. 9  
 plie.

## To the Reader.

ple, and without a witness, the leprosie of Gehezi sticke  
keth so fast unto their familie, as many of our most auncient  
houses; I am peruwaded, haue bee[n]e ruined by this meane[s]:  
2. Sam. 5 for the Churche-lining dealeth as the Arke with Dagon,  
casteth that downe which they had of their owne. If some of  
2. Sa. 24.5 them deale but as Dauid with Saul, cut off the lap of our garment,  
2. Sa. 19.4 for it were well ( yet I would w[i]sh them to haue remorse  
for it) but to use the Clergie as the king of the children of  
Ammon did the messengers of Dauid ( who shamed off halfe  
of their beards, and cut off their garments in the middle) it is  
a contempt whiche the Lord will not suffer to escape unpunisched.

Now I doubt not but the diligent perusing of this treatise,  
Psal. 50 shall so peruwade the consciences of all that are not alreadie  
fore stalled by some great sinnes, that tithes are the Lords  
portion, holy to himselfe, that this portion he hath giuen  
to his minister that serue at the Altar, and so consequentlie  
that they may not safely detaine that from the Clergy which  
belongs unto them, but rather make restitution with al humilitie,  
and desire the Lord with penitent hearts to receive at  
our bands the tenth part, which in a peculiar manner holily  
is his owne portion ( for by another right, the Cattell are his,  
Psal. 50 that are on a thousand hils) that so in mercy hee may blesse  
unto vs, the nine parts that remaine of all our substance. This  
fruit if it shall bring unto thee that readest, and rest and  
peace to the poore Clergy, that are torn with contentions for  
their owne right, wee shall haue full cause to say joyces for thy  
good, and be ready to recommend our further passes to the  
blessing of thy prayers, and the benefit of this Churche. Lagan-  
beth. Ianuarie 4. 1606.

WILLIAM COVELL.



## CHAP. I.

*The state of the question is set downe, and the trueth confirmed.*



Oncerning Tithes (so farre as I could learne) there haue beeene three opinios: First, that Tithes are meere almes, & that the Ministers of the word haue right to nothing but shoulde liue in high pouertie. This opinion seemeth first to be brought in by those who were called Waldenses, vpon the abuse of Tithes, which they saw vnder the Church of Rome. It is recorded an opinion of theirs, by a writer whose name is not expressed in the last edition of *Catalogus testimoniū veritatis*, Tom. 2. lib. 15. This opinion was held by *Iohu Hus* a Bohemian, *William Thorp* an Englishman, as appeareth by their examinations, recorded by Master *Fox*. The same opinion hath beeene since taught by Anabaptists, and Trinitaries; as may be seene in a booke, *De unitate spiritus veri & falsi Christi*. Anno. Dom. 1568. *Alba Iulia*.

The second opinion is, that Tithes are not due by Gods law, that is, a determinate quantitie is not prescribed in the word, but onely as these men say, a reasonable or competent maintenance is introyned. This is the opinion of them of the Church of Rome, as *Bellarmino* declareth,

## CHAP. I.

Tom. 1  
contr. 5. l. 1  
cap. 25.

clareth, the same is received among some later writers: which onely shew of a generall approbation in this opinion, hath forced me many times, I confess, to lare aside my pen, thinking it much more safe to erre with this approbation, then to stiue for the truth against such a streame of gaine lavers. For I will not thinketh that of our men who haue laboured in reformed Churches, which others might say, that they haue denied Tithes to be due to the Church, vpon a derestation of Poperie, wherein Tithes were so much abused: but this I thinke, that they intending greater points of doctrine, suffered this to lye lesse regarded, and in a manner forgotten, as a thing not altogether so necessary, as those other points wherein they made especiall choise to labour. Then the reuerend regard of their names, their persons, their labours being remoued from this question, wee take this opinion vnsound, and of lesse probabilitie then the former.

3.

The third is, that Tithes are due to the Ministers of the Church, by the expreise word of God. This is the iudgement of the auncient fathers, from the beginning without crosse or contradiction, vntill the supreame authoritie of the bishop of Rome tooke them away by the meanes of impropriations. This is the conclusion which we purpose heore, God willing, to confirme: Frist wee will refute the two former opinions: then open the story of Tithes, and confirme the point in question: last wee will aunswere obiections.

The first  
opinion  
refuted.

c. Cor. 9

The first opinion that Tithes are almes, implyeth also those severall braunches which Bellarmine for inlarging controwersies maketh severall questions, or questionable errors. That they are not to be payed to euill Ministers, and that all ministers must resolute to liue in high pouerty, as it was tearemed. This opinion is thus ouerthrownen by the words of the Apostle: *Who goeth to warfare at any time at his owne cost? who planteth a vineyard and eateth not of the fruit thereof? or who feedeth a flock and eateth not of the milke of the flock?* The reason stands thus: if he that goeth to warfare may of dutie challenge his wages of the people

2.2.2.1  
S. J. M. T. 1

people for whom he fighteth, or he hath planted a vineyard may of duty challenge to eare thereof, or hee who feedeth a flock may of duty challenge to eare of the milk of the flock: then the Minister fighting for the people against their spirituall aduersaries, planting a vineyard among them, feeding a flock in feeding them, make challenge of duty his reliete, not beg it as almes: but the first is true; there fore the second. Out of which reason of the Apostle drawnen from these examples, it appeareth farther, that by the law of nature the teachers are provided for, because by the law of nature he who goeth to warfare must bee provided for; by them who let him to that service: by the law of nature hee who planteth a vineyard eateth of the fruite: by the same law hee who feedeth a flock eateth of the milke. If it bee said, that almes are also to bee giuen by the law of nature, for answere see myne obseruacion distinction between almes, and that thing for which the Apostle heere pleadeth. If almes be not giuen it is a breach of charity: but if this bee denied, of which the Apostle speaketh, it is a breach of iustice. For as it is iustice to denie wages to him whom you appoint to fight for you, or to debarre a man from the fruit of that vineyard which he planteth; or to deny him the milke of a flock which he feedeth: so is it in like manner iustice to denie the Minister that maintenance for which the Apostle pleadeth.

Now if it bee iustice to deny the Ministers maintenance, then he hath a right and part in the goods of thos whom hee teacheth, for iustice giueth euerie man his owne, and not one mans right to another: whereby it is evident that the Minister hath a part and right in their goods whom he teacheth: Now to take this, is not to take almes but to take his owne. So then by this reason almes are assuredly overthrown, because almes are not of dute and iustice to bee challenged, as thele things are: therefore the Ministers maintenance standeth not by almes but by iustice; as the soldiers wages stand not by almes but by iustice; as by iustice not by almes a man may eat the

## CHAP. II.

Luke 10.7.  
1.Tim.5.8

fruit of a vineyard which he planteth, or of the milke of his flock. The same is confirmed by those words, *The labourer is worthy of his wages*. No man saith, the begger is worthy of almes. Now he that saith, The labourer is worthy of his wages, saith, that of justice he may challenge it, not beg it, as almes; for in as much as it is wages it is due by justice, but no almes are due by justice, for so should wee take awaie all difference betweene justice and charite: therefore if almes, now wages: if wages, no almes.

The se-  
cond op-  
nion re-  
uted.

The second opinion saith, not tithes, but a competent maintenance is due by Gods law, and this is yrged to bee most agreeable to the Apostles times, the words are onely altered, otherwise this is the same with the former that saith, that tithes are meer almes, for this opinion bringeth in with it these consequences: first, that tithes, as tithes, are almes, for hee that denieth that they are to bee payed of duety and justice, proueth them almes: secondly, that ministers maie not claime anie thing out of Gods word, and this also proueth almes. For hee that saith to his parishioner, tithes I cannot claime, and therefore no certaine thing out of the word, yet somewhat in conscience you should contribute vnto me, what doth he else, but leaue it to the choise of him to giue what hee list? and what is this but almes? If it be said, the people may agree to giue a certaine stipend, yet this is no otherwise then as they maie agree to giue almes. If anie object that the Prince or Magistrate maie appoint a certaine competent maintenance, as this indeede is the common hold; I would haue it noted that they who vrge this, forsake the question which they pretend to decide, for this opinion of a competent maintenance is holden as agreeable to the Apostles times: but when they referte the matter to Princes, this is no way agreeable to those times. For it will neuer be proued that either then, or at any other time, Princes did take order for this competent maintenance. Then this fancy of a competent maintenance, wee refiect for these reasons: first, it is not written or commaunded in aniescripture, therefore we haue nothing to doe with it.

Let

Let them who maintaine it, shew scripture for it, and wee  
yeeld. Secondly, it can not by any deduction bee drawne  
frotn scripture, therefore it may not be receiued: for, those  
reasons that are brought in to prove it, as that the Lord  
hath ordiued, that they who preach the Gosspell, shoule  
live of the Gosspell, and such like, these I say, doe onelie  
proue the ordinarie maintenance of the Ministerie, for  
they speake of the Lords ordinance.

Now the ordinary maintenance of the Ministers, is a  
perpetuall ordinance, which either hath alwayes beeene  
vsed, or ought alwaies to be vsed in the Church. But cer-  
taine it is, that this competency is not the ordinarie main-  
tenance. Thirdly, this competency was never in vs from  
the beginning of the world to this day. Now it is absurd  
to saie that it is the ordinarie maintenance of Ministers,  
which neuer was in vs in anie age. Fourthly, it croiseth  
the vse of the Apostles times, because this competency  
is at the civill magistrates appointment, that vs was not  
this must be gotten by compulsion, that was not: this is  
not almes in their opinion who maintaine it, that was. Of  
the Apostolike times, wee shall consider in due place:  
now we reason thus. That which neuer was in vs in anie  
time in the Church, ought not to be held the ordinarie  
maintenance for Ministers: but this competent mainte-  
naunce was neuer in vs. For before the law, tithes were  
payed by the Patriarks to the priests: vnder the law tithes  
were appointed to the Levites and Priests: in the Ap-  
postles times there was nothing but almes, as will ap-  
peare when wee speake of thole times. After the Ap-  
postles times, tithes were in vs againe, this competency ne-  
uer had place in the Church. And euen there where tithes  
are taken away from the Church, and put in laymens  
handed: yet there is no competentie established to sup-  
ply that which was taken away: the Scripture commandis  
not, no Prince hath at any time ordaiued it; it neuer  
was, and therefore as we may well think neuer will bee.  
Now to make the ministers ordinary maintenance (for  
that is it wee seeke) to stand in such a thing as ne-

## CHAP. 10

govern, and by like libpos heuer will be, fei me thinck  
more reasonable; and therfore because it standeth with much  
better reason to denie this opinion, then to hold all the  
absurdities depending vpon it, following the best reason  
we thinkes necessary to hold, that the ordinarie mainte-  
nance of Ministers ought not to stand in this vncertaine  
competency, which is only a douse in the braines of some  
men, and never came into practise in the Church.

Again the Ministers maintenance must be and is ge-  
nerally acknowledg'd a morall constitution: but that this  
competency is no morall constitution it appeareth, be-  
cause evene morall dutie ought always to be done, and  
sometimes hath beene done by the godly; but this com-  
petency ought not always to stand, and will hardly be pro-  
ued to haue beeene done at any time, therefore surely not  
morall. Now in Tithes it is far otherwise; for we will shew,  
they ought always to be obserued, and even then when  
they were not payed, yet stood they alwaies the ordinary  
maintenance. Moreover to maintaine Ministers is a ser-  
vice of God, but all the parts of the seruice of God are  
delivered in the word, therefore this competency must  
either be shewed out of Gods word, or taken for mans  
ordinance, and not Gods. Further, in this competencie;  
manie, I take it, are deceiued, for euerie man will take  
vpon him to define a competent maintenance: and that  
they call competent, which they think (as men diuiding  
their almes) usy leſſice a minister. But the scriptures spea-  
king much of this maintenance, do never teareme it a  
competency, or that which sparing men in their sauing  
humour maie call ſufficient; but an honourable main-  
tenance, and ſometimes double honour. Now therewould  
befound a great diſference between that which the ſcrip-  
ture call almosable maintenance, & that which men  
distributing their almes do commonly account ſufficient.  
Then this competency muſt either bee ordaine of God,  
or by man: if by God, it is Tithes, for no other mainte-  
nance ordaine by God can bee shewed: if by man, then  
it is no Gods ordiance; now we ſeek Gods ordiance,

what God hath ordained for ministers, nor what man appointeth.

If any man say, it may be mans ordinance, and yet allowed by God, or that God ordaineth the generall, but man appointeth the particular manner: we must intreat him to shew vs where God alloweth man eitherto make such an ordinance, or to chaunge the particular which God hath ordained, seeing the Lord himselfe hath once ordained a maintenance, that must stand, vntill it can be shewed that God hath gien libertie to man to change it.

Here it must bee well remembred, that to maintaine Ministers is a part of the worship of God, for thus *Jacob* did worship God. *Gen. 28, 22.* And therefore if the maintenance be withdrawn, God is robbed saith *Malach. 3, 8* God is mocked saith *Paul Gal. 6, 6, 7.* for of Gods ordinances some are ciuill and doe not immediately touch the worship of God: some are holy, which touch the worship of God immedately: when wee speake of this ordinance, it may not be confounded with ciuill ordinances, for Magistrates are Gods ordinance, but ciuill: in such ciuill ordinances, the particular manner thereof is left to man. But in Gods hysie ordinances, such I say as belongeth to the immediate worship of God, it is otherwise: for in such things mans iuentions haue no place. Then they who say the generall ordinance is Gods, but the particuler manner therof may be from man, do by consequence hold the Ministers maintenance to bee a ciuill ordinance, not holy, which opinion I suppose no man of knowledge and learning will defend. But if we once leaue this opinion, and confesse directly that the Ministers maine-nance is no ciuill ordinance, but holy, belonging to the morall immediate worship of God, then must it needs follow that man hath no authoritie therein, to invent or devise any particular manner, but must take it as it is appointed by God. Then if it must be graunted, that one of these three is Gods ordinance, almes, this competen-cie, or tithes: It is certaine, first that almes in this point, and for this vse are not ordained by Gods it is not to lese

## CHAP. I.

certainte that this competencie is not Gods ordinance, because God no where appointerth it, the Church never vsed it: wherevpon it followeth that for the maintenaunce of the ministry, there is no other ordinance, then tithes.

## CHAP. II.

### *How Tithes stood before the Law.*



OR the better satisfaction to the Reader, and seruice to the truth, the labour would not seeme vnpromisoneable, if we drew as it were the storie of this question along from the beginning to this time: which thing cannot bee done exactly, because this matter is not remembred exactly by the auncients, and wee must not so much stand vpon narration, as vpon disputation: but out of such remembrances as I could light on, I thought good to obserue how men of all ages haue thought of this point, that when it appeareth that the opinions which I reiect are altogether new, and without any testimonie or shew of antiquitie, men maie bee intreated more indifferently to thinke of the matter, at least I may seeme not vneworthie of pardon, if I erre in this point, when it shall bee scene that I follow not onelie the reasons which seeme best, but all antiquitie, none contradicting till of late yeares. For orders sake wee will first consider how this stood before the law, then how vnder the Law, afterward how in the Apostol's times, and somewhafter. Last of all, how in the time of the fathers.

Before the law was giuen, wee finde tithes vsed by the Godly, as a part of Gods seruice. First, wee will shew that by the law of nature, every man was bound to give something

thing to God, of those temporall blessings which God giveth, then it shall appeare that this (somewhat) was turned into tithes.

*Gen. 4.* It is thus written: *Cain* brought an oblation to the Lord, of the fruit of the ground. *Abel* also brought of the firstlings of his sheepe, and of the fat of them, and the Lord had respect to *Abel*, and his offering, but vnto *Cain* & to his offering he had no regard. It is expressly noted in the text, that *Abel* offered the best of his flock, *de primogenitis, & pinguisimis*, the first, fairest, and fatteſt, which shewed the sinceritie of his heart. In *Cain* no ſuch thing is noted, but the contrarie vnderſtood: whether *Cain* did offer the tenth of the profit of his ground, and *Abel* the tenth of his ſheepe, that question I moue not heere, there is nothing expreflie eyther for it, or againſt it: but out of theſe wordes this I obſerue, First, that to offer to God of ſuch goods as God dooth bleſſe men withall, was from the beginning accounted a part of the ſervice of God, for *Cain* and *Abel* both offered, knowing it was looked for at their hands. Secondly, it is hence manifest that they who offer their goods to God, maie not offer the worſt, and ſerue God likeſ, *Antony* his pig, with that which they make leaſt account of: but they who ſerue not God with the best of their goods, are found to be followers of *Cain*.

Thirdly, it appeareth also, that if there were not, neither euer had beeſe any ministerie ordained, yet notwithstanding men ſhould haue ſtood bound to offer of the best of their goods to God, for this offering ſeemeth to haue beeſe, before a minifterie was eſtablished. If anie ſhall contend heerein, that theſe offerings were not tithes, I ſtrive not, though with faire probabilitie I might, but thus much appeareth: that by the law of nature preſentlie after the creation, men did thinke in conſcience themſelues bound to giue the best of their goods to God, as knowing that this was the will of God. It is likewile to be noted that God who from the beginning, as heere wee ſee, hath a right in euery mans goods, may diſpoſe his

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## CHAP. 20

o the right is it best please him but in dispensing this his right to his ministers, hee disposes and giuech it by the name of tithes. And this is that right which we seeke out, not what man bestoweth, but what God giueth to his Church out of his owne right, which right of the Lord in euery mans goods, is declared heere in the beginning, and the same right of the Lord in euery mans goods remaineth vnto the end of the world.

Thus right which the Lord hath in euery mans goods, himselfe nameth tithes, and who knoweth it better then hee? When a man would offer this right to God, who knoweth how to offer him his owne? who knoweth how to keepe such a rule in this action, as to assure himselfe that the thing which he offereth is the Lords part? as being neither more nor lesse then that which God hath manifested to bee his owne part. It followeth therefore that in offering to God this right, men must either offer tithes or else what themselves list, not what God prescribeth. Now these offerings whatsoeuer they were, were offered as tithes, and who soeuer offered in this sort afterward, offered tithes, because God had manifested that the right which from the beginning he hath in euery mans goods, istithes. And therefore as soone as it can bee shewed that there was a Priest, then will it also appeare that tithes were payed vnto the Priest of the Lord.

Now in the 14. of Gen. there is expreſſe mention of the Priest of the moſt high God, and withall expreſſe mention of tithes payed vnto him: the words are these, Gen. 14.18 And Melchisedech king of Salem brought forth bread and wine, and he was a Priest of the moſt high God, and hee blessed Abraham &c. And Abraham gaue him tithes of all. Adde vnto these words that which the Apostle obſerueth Heb. 7. where he proueth two thinges: first the greatness of Christis priesthood abouethei euicall; this hee proueth because Melchisedech did blesſe Abraham, for without all doubt the leſſe is blesſed of the greater: Then hee proueth not onelie the greatness, but the perpetuall and vnaungeable estate of Christis priesthood, wherein it differed

differed also from the priesthood of *Levy*. This he pro-  
ueth in *Melchisedech*, and by him in Christ, because *Levy*  
in *Abraham*, payed tithes to Christ in *Melchisedech*, for  
(saith the Apostle) *beere men that die receive tithes, but* Verse 8.  
*there bee receiueth them of whom it is witnessed that bee*  
*tithesb.* Out of these words wee draw these obseruations.  
First, that vnder the lawe of nature, tithes were to bee  
payed to the priest of the most high GOD, for these  
things are expressly deliuered that *Melchisedech* was  
priest of the most high God, and that *Abraham* gaue him  
tithes of all. Secondly, that this practise of the Patriarks  
is commended by the Apostle in the new Testament,  
which sheweth that it is no will-worship devised by them,  
but warranted from God: therefore wee conclude, it was  
vndoubtedly ordained by God, albeit the time and first  
institution hereof be not exactly declared. Yet that it was  
ordained of God it appeareth as well by that which wee  
haue said, because that right which from the beginning  
God hath in every mans goods, is declared by the pra-  
etise of the Patriarks to be tithes: as also because *Leuit. 27*  
it is sayd, tithes are the Lords, holieto the Lord, which  
words are not Leuitical or ceremonial, as heereafter shal  
appeare, but declare, that tithes were the Lords alwaies,  
and that the Lord euen from the beginning hath thus  
declared what part hee hath in euerie mans goods. And  
vpon this ground and reason the patriarchs payed tithes  
before the lawe. Thirdlie, we note that ordinarily the  
priesthood (before the law giuen) was annexed to the el-  
dest of the house, the first borne, as heere to *Melchisedech*,  
which is thought to be *Sem*, the eldest sonne of *Noah*, as  
*Lyra* noteth, and the yeares agree: For *Sem* being an  
hundred yeares old, begat *Arphaxad*, two yeares after the  
flood, and liued after that, 500. yeares. *Genesit 11. 11.* the  
ende of which 500. yeares, falleth in the 50. yeaer of  
*Isaac* his age, tenne yeaers before the birth of *Jacob* and  
*Esan*. The Lord afterward tooke the Leuites to his ser-  
vice, in place of the first borne. *Num. 8. 16.* this ordina-  
rie course was sometimes broken, and the birth right

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went from the eldest to another, yet thus much was alwayes without chaunge, the Priesthood did follow the birth-right, and thistheth the priesthood.

Fourthly, *Levy* payeth tithes in *Abraham*, whereby it appeareth that to pay tithes is not a ceremonie: for if it were, then should not *Levy* bee noted heere for paying tithes. That thing cannot be a Leuitical ceremonie, which is contrarie to the Leuiticall ordinances: but that *Levy* should pay tithes is contrary to the Leuiticall ordinances, which ordaine that tithes should be payed to *Levy*. Now because it is against the ceremonies of the Law, that *Levy* should pay tithes, therefore when *Levy* payeth tithes, hee payeth them not as a ceremony of the law.

Fiftly, we obserue that before the law tithes were payed to Christ, so saith the Apostle, *Heb. 7. 8.* *Heere men that doe receive tithes, but there he receiuesth them, of whom it is witnessed that he liueth.* In which wordsthe Apostle prooueth that in *Melchisedeck* Christ received tithes. Now if tithes were payed to Christ before the Law, what reason may be brought why they should not likewise bee payed unto Christ after the law ceased? Againe, tithes payed to *Melchisedeck* are heere brought by the Apostle, as a reason to prooue the perpetutie of Christ's priesthood, therefore tithes must bee payed as long as Christ's priesthood standeth.

Let the reason of the Apostle be considered: *men that doe receive tithes heere*, the Leuiticall tithes are but for a time, but when *Levy* himselfe payeth tithes (as before the Law it was, and after the law it must be) then are they given to him of whom it is witnessed that he liueth. Then from these words of the Apostle there is a difference obserued, between tithes as payed to *Levy*, and as to Christ: as to *Levy* they stod for *Levy* histime, but tithes doe not with *Levy*: for they are still to be payed to him of whom it is witnessed that he liueth.

Sixtly, hence we understand the manner and reason of paying tithes to *Levy*, for tithes are the Lords, as a right in euerie mans goods from the beginning to the end of the

the world. All tithes are the Lord's; holie to the Lord. *Levit. 27:30.* he gaue them for a time to *Levy*, so long as *Levy* should serue the tabernacle and no longer; when *Levy* ceased to minister at the Altar, then tithes ceased to be due to *Levy*, but tithes then ceased not to be the Lord's; for as they were his before the law, so they stand his for ever; because the Lord can neuer lose that right which at the beginning he had in the goods of euerie man.

Seauenthlie, whereas a question may be moued, whether the tithes which *Abraham* is said heere to piae to *Melchisedeck*, were tithes of the spoyles (as some think they were) or of his owne goods: I think the opinion and reason of the most iudicious interpreter is heere to be followed, that *Abraham* payed tithes, not of the spoiles, but of his owne goods, because *Abraham* would not practise his liberalitie of other mens goods, but of his owne. And in the text it is said, that *Abraham* had lift vp his hand to the most high God possessor of heaven and earth, that hee would not take so much as a thread or a shoelatchet of that which was taken, which he yeelded to the king of Sodom, prouiding onely to *Auer*, *Estab*, and *Mamre* their portions. It is then more then probable that he payed no tithes of the spoiles, seeing he would not account any part thereof his owne.

John Cal.

Eighthlie, if *Abraham* payed tithes to *Melchisedeck* of his owne goods, the question may bee moued, whether he payed them yeerely or no? To which question in direct words wee haue no answere, and therfore we may bee content to bee ignorant wherethe scripture teacheth noe, but in probabilitie it seemeth hee payed yeerely, becauise they were yeerely payed vnder the law; for tithes were not first obstituted to be payed vnder the law, but before, and the same reason was before, whiche was vnder the law, for the priest, to whom (as *Lyra* speaking from these scriptures, saith tithes were due before the law) was no lesse yeerely to bee honoured then afterward; and they who lived before the law had as much reason to shew their gratitudo and obbedience to God, as afterward. *Nebr.*

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ther could the distance of place be any hinderance in this matter, for *Abraham dwelt at Hebron ouer against Sodom, and Melchisedech at Salem, which in the judgement of Iosephus is Hierusalem; both in the Tribe of Juda, not farre asunder.*

Ninthlie, whereas against this, it may be objected out of the words of the Apostle Heb. 7. 4. that *Abraham gaue tithes to Melchisedech in τὰν ἀρχοντιον*, which some of late translates poiles: I aunswere, this devise is too late, for it was not so vnderstood in former times. *Jerome translaterhit, De precipiis.* The word signifieth the best of a mans goods: there is no signification of spoyles in it. For mens goods being laid in heaps, the tops, as the best, of each heap; τὰν ἀρχοντιον; were offered to GOD. That offering was called ἀρχοντιον: so the word doth expresse that which the scripture obserueth of *Abel* his offering. For he offered ex primogenitis & pinguissonis, the best: wherefore some translate it de precipiis, some de primis: the Syrian translation hath, *Abraham gaue tithes and firstfruits.* *Isidorus* calleth it *decimas substantia*, following the force, and proper signification of the word: no menialon of spoyles. *Clement Alexandrinus* exhorteth: vasing the same word, exhorteth a belecuer to frame him an ἀρχοντιον to God: can any man vnderstand heire spoyles? They who thinke that this word signifieth spoyles, bring this onely place to proue it: which thing standeth against reason. For in all antiquite no place but this onely, can be brought, wherein this word signifieth spoyles: it were more reason to vnderstand the word heire agreeable to all other places, then to devise a new signification heire, which is found no where else, especially when there is no necessarie to understand it so, seeing the word doth signifie no such thing, but declareth onely that *Abraham gaue of the best of his goods to God, as did Abel.*  
Tenthly; admit that the word signifie spoyles (which thing can never be proued) and that *Abraham gaue tithes of the spoyles: yet this is so farre frome оrossing the rige of tithes, that rather it confirmeth all more fully: For if Abraham*

Abraham gave tithes of the spoyles, much more did hee vse to doe the same in his owne goods. The expresse words of the Apostle can hardly be eluded. For first hee faith to him gaue *Abraham* the tithes of all things: *and* *now*, he that faith of all things, meaneth not onelie the spoyles. The whole course of the Apostles speech proueth no lesse. For how can a mans conceipt be satisfied with the tithes of the spoyles onelie? considering the Apostle speaketh so much of *Abraham* his payng tithes, insiting so long in it, drawing an arguement of such weight from it: hee whose kindred is not counted among them, received tithes of *Abraham* ver. 6. heere men that die receive tithes, but there bee receiveth them of whom &c. ver. 8. *Leny also* which receiveth tithes, payed tithes in *Abraham*, ver. 9. If there were no other tithes giuen by *Abraham* to *Melchisedec*, but of those spoyles onelie, why is this compared with Leuiticall tithes, which were payed yeerely? would the Apostle vse this manner of speech of one onely action, vniuersall shewed the common vse and practise how tithes were then payed to the priest, as by common vse and practise they were afterward payed to the Levites. By this then it appeareth out of the story of *Melchisedec*, that tithes were and are to bee payed to Christ alwayes, aswell after as before the law.

Let vs consider the next testimonie wee finde in storie before the law: the next is *Genesis* 28. where *Jacob* voweth to pay tithes of all that God will giue him, the words are these: *Then Jacob vowed a vow, saying, If God will keep me in this journey which I goe, and will giue mee bread to eat, and clothes to put on, so that I come againe to my fathers house in safetie, then shall the Lord be my God. And this stone which I haue set up as a piller, shall be Gods house: and of all that which thou shalt giue me, I will giue the tenth to thee.* Out of these wordes it appeareth that it was the generall opinion of the godlie before the law giuen, that tithes ought to be giuen to God: for otherwise *Jacob* did offend, vniuersall hee knew that this thing pleased G.O.D. as be-

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ing appointed by him.

But because *Abulensis* out of this place would proue tithes not to belong to the law of nature, that matter would bee examined: his reason is, because *Jacob* vowed tithes; now a vow, saith he, is not of those things which belong to the law of nature. But *Abulensis* himselfe perceiving that this proposition is not true generally, frameth an obiection against himselfe, that by removing the obiection he might the better settle that which he taketh to bee the truth: his obiection is, that a man may vow that which belongeth to the law of nature, as not to commit adultery, which obiection he answereth thus: a man may not vow such things with condition, but absolutely. Now saith he, *Jacob* vowed tithes with condition, therefore they are not such things as are contained in the law of nature.

*Bellarmino* words are much more peremptorie: *Impium fruissit vovere decimas, si absolute fruissit obligatus eis solvere.* These wordes indeed being examined by the popish doctrine of vowes, may stand as a glos fit enough for a corrupt text: but being examined by the truth of God, they shall finde no place to stand in. First, where *Abulensis* saith, a man may not vow a thing belonging to the law of nature conditionally, it appeareth to be false, because as himselfe yeeldeth, a man may vow not to commit adultery, so hee must yeeld that a man maie likewise vow to honour his parents, if God will prolong their lives, this is conditionall and no less lawfull then the other, and he that maketh it, can keepe it only conditionally, so long as God will suffer his parents to live, if they die, he is freed from the possibilitie of performing his vow: so hee that voweth tithes, can vow them no other way, but conditionally, if God will blesse him with goods as *Jacob* doth, for if he haue nothing, he is freed from the possibilitie of performing his vow. Other obiections of *Abulensis* shall bee answered in their place.

Though the obiection bee answeared, yet somewhat may happelie stick in the minde of the Reader, and we as seeking a truth, would cast all obiections without fauouring,

Tom. 1.  
Con. 5. li. 1  
cap. 25.

ring, for I protest, I haue so captiued my senses to the truth, that against the knownen truth I dare not stirre, therefore I will freele open what I can. To that obiection, that no morall thing may be vowed, because we are bound without a vow to perorme such things: this answere may stand, that albeit we be bound without a vow to such things, yet it is lawfull to vow them, that we may be stirred vp with more exact care and zeale to such dutie, as not onelie God hath bound vs, but wee also binde our selues. Now that it is lawfull to binde our selues to those dutie, whereto God bindeth vs, it appeareth by the commended practise of the godly at alltimes. The people were bound to serue the Lord in the time of *Asa*, no lesse then at other times, yet they made a couenant and sware to serue the Lord, 2. Chron. 15. 12. 14. *David* was bound without an oath or vow, to keepe the righteous iudgements of the Lord, yet hee bound himselfe by an oath: *I haue sworne and will performe it, to keepe thy righteous iudgements.* Psalme 119. 106. And whereas *David* speakest so often of paying his vowed vnto the Lord, the thing vowed and to be payed is morall. *Psalme 50 14. Offer to God praysse, and pay thy vowed vnto the most high.* Psal. 56. 12. *Thy vowed vnto me, O God, I will render praysse to thee, for thou hast deliuered my soule from death, &c.* And albeit things ceremoniall might be vowed vnder the law, yet no otherwise but as they drew to some morall dutie. And therefore when the people in vowed things ceremoniall did so stick in the ceremonie, that they looked no farther, then are such vowed vnto reprooued, and they are taught, that the vowed which please God, are obedience, a contrite heart, and such like. This which I haue said will aunswere another obiection. If tithes were alwayes the Lordes, wee cannot vow them, for a vow must bee of a thing that is ours. *Jacob* then vowed tithes, sheweth that they were not alwayes the Lordes, the aunswere is plaine out of that which hath beeene said. It is lawfull to vow vnto the Lord that which is not ours, but his. For what thing is more the Lords, and lesse ours, then our obedience,

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bedience, yet we vow it, binding our selves by a new promise to that whereunto the Lord hath bound vs by dutie. And therfore as *David* did vow to performe that obedience to G O D, which otherwise hee was bound to do without a vow: so *Jacob* doth heere vow to paie tithes, though tithes bee the Lord is right. When this obedience commeth from a willing minde, it is acceptable: now a vow serueth to shew a resolued and willing minde. Having done with the obiections against this place, let vs gather hence such obseruations as may confirme our purpose.

First, it is evident hence, that *Jacob* did not account tithes any part of the iudicials, because no part of the iudicials were to bee offered in a vow to the Lord, but eyther things morall were vowed, or ceremoniall as they lead men to morall obedience. Thereason is, yowes were a part of Gods seruice, and iudicials belonged not to the seruice of God, but were of things common, and for the ciuill government of men.

Secondly, it must bee considered that the thing wherein *Jacobs* vow standeth principally, is in these words, *this stone which I haue set up as a pillar, shall bee G O D's house*. Some interpretours take this to be the place where *Abraham* offered *Isaac*. *Lyra* saith, that all interpretours take it generally for that place where *Ierusalem* stood afterward. *Jacob* saying it should bee the house of God, signifieth it should bee as a temple where God should bee worshipped, now vnto the house of God he ioyneth tithes.

Thirdly, if therefore the question be moued, in what sort the setithes were payed which are heere vowed, whether as things giuen immediatlie to God, as were sacrifices, or vowed to God, that is to the priest of the most high God; I would gladlie learne of other in such questions: but in the meantime, vntil I can learn a better answere, I think it best to vnderstand the manner of *Jacobs* paying tithes, by the practise of his grandfather *Abraham*, who payed them to the priest of the most high God. And therefore *Jacob* after that example vowed to pay tithes, may

may best be vnderstood to pay to them the priest.

Thus far hauing spoken of the time before the law, so far foorth as scripture speaketh of tithes: before we come to the time vnder the law, let vs consider how heathen men, hauing not the knowledge of the law of God, but onelie directed by a glimps of the light of nature, did iudge that tithes were to bee payed to such gods as they worshipped: wherein howsoeuer they were corrupt, yet in that corruption may be seene some sparks of the light of nature before the law. I will not bring all, but onelie of many testimonies will shew a few, whereby a man maie iudge of the rest, and vnderstand how this question hath beene conceiued euuen among the heathen.

*Cyrus* king of Persia when he had ouercome the *Lydians*, offered the tithes of all to *Imperio*. Among the *Romans* the custome was ancient of offering tithes to their gods. *Camillus* vowed tithes to the goddesse called *Mater Matuta*, in case hee should cuercome the *Veians*. After the victory in liew of the tenth, a cup of Gold was sent to *Delphi*, weighing eight talents, as *Plutarch* witnesseth in the same place. It is reported of *Lucullus* that hee grew rich because he obserued the use of paying tithes to *Hercules*. For that this was an ancient custome among the Romanes, *Macrobius* proueth out of *Varro*, who writeth that it was the common custome among the auncients, *Vouere decimam Hercules*. *Diodorus Siculus* opening the reason of that custome saith, that when *Hercules* was friendly entertained by *Potinus* and *Pinarius*, he promised a happy life to such as should offer him the tithes of all their goods, which practise he saith remained in Rome till his time: *multi enim Romanorum non solum medocris censu, sed qui distissimi sunt habiti, decimas Hercules vouerunt, posteaq; fortunatores facti bona sua ad quatuor talentorum milia Hercules sacrarunt*. In which place hee reporteth the same of *Lucullus*, which after him *Plutarch* obserued. *Xenophon* witnesseth that others vsed to pay tithes to *Apollo*. Neither was this thing obserued only among the ciuill nations, but euuen so far as the sense of manhoode reached

*Herodot.*  
*Cho.*

*Plura.*  
*Camil.*

*Plut. Lu-*  
*cullo.*

*Lib. Sator.*  
*3. cap. 42.*  
*Bibl. lib. 9*  
*cap. 2.*

*Am. 3.*

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reached it was spread also among the barbarous people.

Hift.nat. li. Pliny writing of the *Sabaeans* and *Ethiopians*, sayth that  
12. cap. 14 in the splices, which those countries yeeld abundantlie, the  
& 19. merchants may not meddle with anie, before the Priests  
haue laid out the tenth to their Gods. And (which one

generall testimonie may stand in place of many particu-  
lars) *Festus* saith: *Decima queque veteres diis suis offerebant.*  
Which vse being so general among all nations, doth shew,  
that euen from *Noe* it was dispearsed among all people; though  
much corrupt in them, yet bearing in it selfe eu-  
ident signes that it came from the incorrupt light of na-  
ture before the law giuen. For what other reason can bee  
giuen why such an apparant resemblance of Gods truth,  
should bee kept and dispearsed so far among all nations?  
And heereupon, I take it, *Franciscus Junius* departing  
from the iudgement of other learned men whom other-  
wise he reverenceth, was moued to say thus much, *Decima  
iure omni post hominum memoriam deo fuerunt facra.* What  
is that, *iure omni?* but aswell written in the consciences of  
naturlall men, fortified by priuiledges of princes, as ex-  
preſſely declared in the word of God. Thus hauing declar-  
ed ſo farre as wee can learne, how tithes stood before the  
law, let vs conſider the ſame in the time of the law.

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## CHAP. III.

*How tithes stood under the Law. Where it is proved that then this constitution of Tithes was neither ceremoniall nor iudiciall, but morall.*



His being first out of controuersie, that during all that time betweene the law first giuen, and last abrogated, tithes were to be payed to the Levits by the commandement of God: the first question maie bee, whether tithes had their first institution & beginning in the law. We answere shortly, tithes were not first instituted in the law, but long before, euen from the beginning. What then was instituted in the law? All that which concerning tithes was instituted in the law, was, that tithes should be assigned to the Levits so long as they serued the Tabernacle: this will appeare if wee consider the first and most principal places, wherin tithes are mentioned in the law. The first is *Leuit. 27.7*. The words are these. *All tithes of Leu. 27.30*  
*the land both of the seade of the ground, and of the fruit of the trees is the Lordes: it is holy unto the Lord. Every tithe of bullocke and sheepe, &c.* This is the first place that speaketh oftithes: in which words there is neither institution nor assignation, but a simple declaration of the Lords right. Adde heereunto the next place, *Bekold I haue giuen the children of Levy all the tenth of Israell for an inheritance, for their seruice which they serue in the Tabernacle* *Nu. 18.11*

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*of the Congregation.* These two places are first in order, and principall: vnto which wee must refer all that which in the law is spoken of tithes: the first testimonie declarereth the Lords right, the second sheweth that out of his owner right the Lord assigneth them to *Leuy*, *I haue giuen them to the children of Leuy*. It containeth the end, and condition of the assignation: for the Lord assigneth tithes to *Leuy*, onely for the time of their seruice at the Tabernacle, *for their seruice which they serue, &c.*

By this we may distinguish what is Leuiticall, and what is perpetuall in tithes. This proposition, all tithes are the Lords, is no way Leuiticall, but containeth a perpetuall truth. That which is Leuiticall in this point, standeth in two things, which we may call the Leuiticall assignation, and the Leuiticall institution of tithes; for these wordes, *I giue all tithes to the Levites, for the seruice which they serue at the Tabernacle*, doe containe the assignation of tithes, for all tithes being the Lords, he doth heere assigne them ouer to the Levites for a time, during the seruice of the Tabernacle. This assignation we graunt to be Leuiticall, and to indure onely so long as *Leuy* shall serue at the tabernacle, that seruice once ended, tithes shall no more be *Leuy* his right, but tithes shall be the Lords.

The Leuiticall institution of tithes, is containyd in the commandements of paying tithes to *Leuy*, as where it is said, thou shalt bring thy tithes to the Levites, the Leuite thou shalt not forsake &c. Where we see the commandement for paying tithes to *Leuy* presupposeth the Leuiticall assignation, the assignation presupposeth the perpetuall right of tithes to belong to the Lord. If these grounds were graunted, the question were at an end, but because there will bee question made of these grounds, let them be examined, to trye whether they be sufficient to hold vp that building which is to be laid vpon them.

The first is this, that this proposition, all tithes are the Lords, holy to the Lord: is not Leuiticall, this will thus appeare. If all tithes were the Lords, holieto him before the Leuiticall ministerie instituted, then they are not

not Leuiticall: but it is true and certaine that all tithes were the Lords before the institution of the Leuiticall ministry: therefore certainly they are not Leuiticall, the proposition is evident, for that cannot be called Leuiticall, which was before the institution of the Leuiticall order: the assumption is no less true, because tithes were the Lords, holy to him as well before as vnder the law, for if the Lord hath alwayes a right in euerie mans goods, if this right was declared to be tithes, by the practise of the Patriarks, if that practise dooth shew that euen then in their times tithes were the Lords, holi to him: it must needs bee confest that tithes were the Lords before the Leuiticall constitutions. Now in that by the godly Patriarks tithes were payed to the Lord, is confirmed that tithes were alwayes the Lords: and by that which heere is said, all tithes are the Lords, is declared by what warrant the Patriarks payed tithes, this is sufficient to proue, that tithes were not instituted first in the law. It may bee obiect, that albeit tithes be not Leuitical, as being in use long before the Leuitical order, yet they may be ceremonial: for some Ceremonies were in use before the Leuitical Ceremonies: to this reseruing a farther answere, till anoon, first, we say that tithes are Ceremoniall no otherwise, then as they are Leuiticall, and this I suppose, that men which attend to this question will not denie mee: If there bee any Ceremonie in tithes, it is a Leuiticall Ceremony. This thing is graunted by *Abulensis*, and all that have carried this question against vs, and the common voyce against vs is, that tithes are Leuitical Ceremonies. I ask no more, the rest will follow, for if tithes, haue no other Ceremony then that which is a Leuiticall Ceremony, then before the Leuiticall order instituted, tithes had no Ceremony in them at all: and after that order abrogated, tithes remaining still, haue in them no Ceremony.

Now thus much wee willingly yeld, that all Ceremonies may not properlie bee called Leuiticall, as sacrificing, and the Ceremonies that were in use before the Leuiticall order, but those Ceremonies which were ordained with

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and for the Leuiticall order (as many were) maie properly be called Leuitical Ceremonies, so that if tithes haue no Ceremony but Leuiticall, surely then before the Leuites, they had no Ceremony at all. To cleare these things the better, leauing no doubt vntouched, let vs compare tithes and sacrifices together, whereby it may appeare what is the difference betweene tithes, and such Ceremonies as were in vse before the law.

Sacrifices were in vse before the law, and in the law certaine particular ordinances for the manner of sacrificing are commaunded, those particular ordinances may bee called Leuiticall but sacrificing it selfe is not: so tithes were in vse before the law, and certaine particular ordinances of paying tithes to the Leuites commanded in the law, which particular constitutions wee call Leuiticall. Thus far sacrifices and tithes agree: heere it will bee obiect that Tithes were Ceremonies before the law, a swell as sacrifices. The aunswere is in marking the true differences betweene sacrifices and tithes, which differences will shew the one to be a Ceremony, the other none. The differences are fist in the proprietie, secondlie, in the end of both. First, the proprietie of sacrifices and tithes considered, this difference appeareth between them: the proprietie and right in tithes, is alwayes the Lords, and not mans. Now albeit sacrifices are then the Lords, when they are once offered to him, yet till that time man hath the proprietie and right in the thing which he sacrificeth: but in tithes man hath no right, because al tithes are the lords. Then in sacrificing man sanctifieth of his owne to God, which before offering is his owne, and if hee should not offer it, remaineth his owne still: but in paying tithes man giueth nothing of his owne to God, but onelie rendereth to God that which alwayes was his right: in not sacrificing godlines is violated, in not paying tithes not onelie godlines is broken, but iustice also. Now a ceremonie standeth not in paying to God that which is his, but in giuing to God that which is thine owne. For example, if thou giue to God honour, praise, and glorie: here is no Ceremony,

Ceremonie, thou giuest to him that which was ever his right: but when men by carnall rites did make signe to God of their faith and obedience, then they gaue him that which was their owne in signification of other things.

The second difference is, in the end of both, the end of sacrificing was to signifie the great sacrifice vpon the crosse for the sins of the world, & therefore it was a Ceremonie, because it was a carnall type of that holy sacrifice, therefore to remaine onely vntill that sacrifice be exhibited. And in a word, the end of all Ceremonies wasto signifie something: but the end of tithes, is the honour or maintenance of the ministerie at all times. I say, not onely the honor of the Levites, but of the ministers of Christ alwayes, and therefore to remaine so long as that ministerie shall stand. And that this was the true end thereof, it appeareth:

First, because tithes were payed to the priests before the law. Secondly, because they were particularly assigned to the priests and Levites vnder the law. Thirdly, because by the fathers, succeeding the Apostles, (as hereafter it shall bee opened) they were challenged to the Church, as Gods ordinance, for the maintenance of the ministerie, and by the consent of all Christians yeolded so. If this bee not the end of tithes, let any man shew and proue to vs another end of them: if this be their end, even an honourable maintenance of the ministerie, then certainly tithes are no ceremonie, because the end of a ceremonie is onely to signifie something, and it hath no other end or vse. Whereby as we haue the apparent differences betwenee tithes and sacrifices, shewing plainly the one to bee ceremoniall, the other not: so wee haue this truth no lesse cleared, that this proposition, All tithes are the Lords, containeth no Leuiticall Ceremony, but a perpetuall truth.

For the farther manifestation of this point, it must bee considered, that vpon this ground (all tithes are the Lords) the Leuiticall assignation resteth: for whereas first the Lord makeith it manifest, that all tithes are his, and afterward,

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ward assigneth them to *Leuy*; it is declared that he therein doth wrong no man, for he giueth that to *Leuy*, which by peculiar right and proprietie is his owne, no man hath right or proprietie in the tithes of his owne goods, but as euerie man hath a proprietie in the rest of his goods, so hath the Lord in tithes. Then this right which the Lord hath in tithes, none can challenge from him, for other wise some man might thus surmisse, I am wronged if my goods be taken from me and given to *Leuy*. In these words there is a secret aunswere to all such surmisings, tithes are none of thy goods, thou haft no right in them at all, all tithes are the Lords. And that this is the true meaning of these words, it may appeare, if wee compare them with other places which sound like this, but cannot thus be expounded. It is said that, *All the beasts of the forrest are the Lords, and the carrell upon a thousand hills. Psal. 50. the earth is the Lords and all that therein is. Psal. 24.* but these things are said to be the Lords in another sence, then tithes are. I remember well that sentence and rule of *Hillary*, that he who readeth scriptures as he ought, must not bring a sence to the words, but fetch the sence from the words, and not compell the Scripture to speake as hee in prejudice conceiueth. If I breake this rule, it is of ignorance, not of wilfulness, & I will willingly take a rebuke, if I faile herein, especially from such as will both reprove and teach mee.

Things are said to bee the Lords in diuerse sences. When the earth is said to bee the Lords, and such like; wee understand that these things are the Lords, in two respects.

First, in respect of a duetie all creatures are the Lords, because hee is the creator, for every thing created oweth a duetie to the creator, as to the great Lord to whom all things owe their homage, albeit euill and corrupt men vnderstand not this, and therefore are farre from this dutifull obedience: yet they shoulde in regard of this dutie, set the seruice of God before all things whatsoeuer, because hee is creator of all, this reason the Prophet toucheth where he saith, *the earth is the Lords: for (saith hee) he hath founded the world, &c.*

Secondly,

Secondly, all creatures are said to be the Lords also, in respect of that power whereby he ruleth all : euill and corrupt men, though not vnderstanding the same, and being farre from yeelding their dutifull obedience to the Lord, are yet subiect vnto this his power, for hee directeth euerie thing to his proper end, in this respect the Prophet saith : *Hee doth whatsoeuer pleaseth him in heauen and in earth. Psal. 135.* And in these respects wee vnderstand those Scriptures that say, the earth and the creatures are the Lords, aswell because all things created owe a duetie to him, and as it were their homage, as also because all things created, are gouerned by his power and prouidence.

But when tithes are said to bee the Lords, this is in respect of a proprietie and immediate right, that he hath in tithes, for otherwise why should the Lord say that tithes are his, more then the other 9. parts? for in those former respects the 9. parts are his, euen as the earth is his, &c. This then declareth an immediate right and proprietie that the Lord hath in tithes, distinct from the respects of duetie, power and prouidence, in which respects all therest is his. And that the words force vs, and not wee them to this sense: it may farther appeare by the wordes following, which doe expound the place, and puts it out of doubtfulnesse. *All tithes are the Lords holy to the Lord:* These words (*holy to the Lord*) doe interpret the former, and shew in what sense tithes are the Lords, not onelie in respect of a generall duety, or in respect of his power, but euen in this sense, because the proprietie and immediate right to tithes is not in man, but in God onely, for that which is holy to the Lord, is separate from man and mansyse, in such things man hath no right at all, therefore if a man keepe tithes from the Lord, it must be confest that this is vsurpation and sacrilegious. Moreouer, wee note the manner of these words. It is not said thou shalt pay all tithes to the Lord, for such a precept might argue an institution of tithes: but it is said, all tithes are the Lords, which words doe not expresse any new institution,

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tution, but declare an auncient right which was begun long before the law.

It is farther to be considered, that albeit tithes were alwayes due to God, yet the beginning of this right was not alwayes the same, but diuerse. For before the law wee find no expresse institution of tithes, albeit the practise of the Patriarches, doe shew full warrant. It seemeth then that before the law, tithes were accounted the lands from the deuotion and vowedes of the godly, who were warranted by the law and light of nature, to consecrate the same to God. And thus were they also consecrated vnto God by the deuotion and vowedes of Christians after the abrogation of the Leuiticall law. But all the time of the Leuiticall law, they stood not as things which man did consecrate to God, but as things which God did separate to himselfe. Tithes then before the law of *Moses* being things consecrated by man to God, and standing so in the Church of Christians, they being inuiteably an execration vpon all such as turne them from the the vse of their consecration. For, whatsoeuer is by man consecrated to God, is *Sanctum Sanctorum*, and can neuer bee redeemed againe: *Leuit. 27. 28.* Againe whatsoeuer is so consecrated to God, is for ever after execrable for man to touch. And this is the meaning of the word *וְנִדְחַת* which is vsed *Leuit. 27. 28.* And *Io/na 6. 17.* which word containeth both consecration to G O D and execration vpon man. As by the conference of those two places doth euidently appeare. Whereby is declared that whatsoeuer is thus consecrated to God, is an execrable thing for man to vse. Now tithes being both before the Leuiticall law instituted, and after the same abrogated, consecrate vnto God by the deuotion of godly people, doe of necessitie bring this execration vpon all that turne them from their consecration.

Then the generall ordinaunce of tithes was not instituted in the law, but long before yeeded to God by the godly from the light of nature: as appeareth both by the practise of the godly in former times, and by these words declaring,

declaring the ground of that practise, which ground is the immediate right which the Lorde hath alwayes in tithes. For if the former practise, and that which wee haue obserued of these words, *All tithes are the Lords*, be compared together, it is evident that the Lord did not then begin to haue a right in tithes when the law was giuen. This right is not instituted in the law, but onely declared, whereupon it followeth that this is a right perpetuall, for we call that perpetual whereof no beginning can be shewed, but the vse thereof proued from the beginning. Thereforewe conclude that this proposition, *All tithes are the Lords, holy to the Lord*, containeth a perpetuall truth, and no Leuitical Ceremonie.

To confesseth the truthe, I finde my selfe in writing this which I knowe manie are readie to gainsay, so affected as they who fortifie an hold against the enemies, where the wall is weakest or lowest, there the greatest force of the enemies is set to make a breach, so I finde that we are now as it were in that breach, and if I can fortifie this one peccce so as to put the aduersaries out of hope of entrance heere, I shall be at more ease for the rest: for every man will graunt mee that tithes were due before the law, and vnder the law asigned to the Leuites: but how the perpetuall right is proued, or how this right may appeare assumed againe after the abrogation of the law, this is that whereat most sticke, this is that which I must fortifie. To that therefore which alreadie wee haue spoken adde that which the Apostle saith in the Epistle to the *Hebreus*, for hee hath so fortified the matter that I knowe not what may bee brought against him, in those words, *Heb. 7. 8. Heere men that die receive tithes, but there bee receiued them, of whom it is witnesed that hee liueth: who is hee of whom it is witnesed that hee liueth?* It is spoken there of *Melchisedech*, but it is verified in Christ, *Melchisedech* heere is brought in to no other end, but as a type of Christ, to shew how these things spoken of the type, are most true in the bodie Christ Iesus: for there the Apostle proueth the greatnesse of Christ's priesthood

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and the perpetuitie of the same; so that these things heere spoken of the type, are declared to be verified especially & principally in Christ: then albeit *Melchisedech* be in some sort witnessed to liue, because there is silence of his death, yet this is especially and principally true in Christ: then when the Apostle saith, *That heere he receiueth tithes who is witnessed to liue*, his meaning is that tithes are payed in the priesthood of Christ, not onelie in the Leuiticall priesthood. *Heere men that die receive tithes, but there he receiueth them of whom it is witnessed that he liueth*; where wee haue an evident distinction between the Leuiticall assigntion, and the perpetuall right of tithes. *Heere men that die receive tithes*, there is the Leuiticall assigntion, which was to haue an ende: *but there he receiueth them, of whom it is witnessed that he liueth*, in these words the perpetuall right of tithes is contained, which is witnessed to follow Christ's priesthood, and therefore neuer to haue an end, but to stand to the end of the world with his priesthood. This being the plaine and evident sense of this place, wee hope this breach is fortified. Then if tithes are to bee payed to him that liueth for euer, they are euer to be payed: so that before the law, and after the law they are payed to him that liueth for euer. Vnder the law they were by Christ assigned to *Leuy*; that assigntion, and as we may so saie, that lease being expired, they returne again into his right of whom it is witnesseth that he liueth.

This being prooved the other grounds follow with much facilitie, as annexed to this: for that tithes are assigned from the Lord to the Leuites, for the seruice of the Tabernacle & no longer: then that seruice is to continue, it is evident by the words of the assigntion, *I haue given to the children of Leuy all the tenth of Israell, for their seruice which they serue in the Tabernacle of the Congregation*, therefore that seruice being abrogated, this assigntion is void: but this remaineth true still, *All tithes are the Lords*, because by the assigntion made to *Leuy* the Lords righre cannot bee taken away: then the Leuiticall Ceremonie is onely in the assigntion, and the commandement of paying.

ing tithes to the Levites dependeth wholly vpon the as-  
signation: which may so far bee acknowledged ceremoni-  
all, as it is Leuiticall, and no farther.

Now this we yeeld but by the way of improper speech,  
granting that to the aduersary *ex abundanti*, which other-  
wise hee could not proue; for to speake properly and ex-  
actly, tithes were never Ceremoniall in any sense: for e-  
uen that assignation of tithes to *Levi* is not properly Ce-  
remoniall, but temporarie, for it hath no Ceremony in it,  
because heere is no carnall type of a holy thing, for tithes  
to speake properly, are no more carnall in the Leuiticall,  
then in the Euangelicall ministerie: no more holy things  
in the ministerie now, then they were among the Levites:  
neither was the end of tithes then to signifie anie thing,  
but to bee an honorable maintenance among the Levites:  
albeit then in exact speech, nothing in tithes is Ceremoni-  
all, yet speaking improperly wee yeeld this assignation to  
be Ceremoniall. And thus I would be vnderstood, when-  
soeuer in this question I yeeld that in tithes somewhat is  
Ceremoniall.

Thus stood tithes in the Church of Israell, wherein  
the Lord to prouoke godlie princes and people not to  
deale sparingly with the Church, hath left a monument  
which to men might be an example of bounty, that they  
which hope for a large increase of spirituall things, may  
not fowe their temporall things sparingly, for besides  
tithes, first fruits, and offcrings, there was assigned in the  
church of Israell to the Leuiticall ministerie, as much land,  
as the portion of the greatest tribe cameto, if the descrip-  
tion of *Hierom* deceiue vs not. For *Hierom* describing Hierom.  
the land of Israell, saith the length from Dan to Beersheba is 160. miles, the breadth from Ioppet to Bethleem 46. miles: the Leuites portion of land was 48. Cities, Num.  
35. 7. cuerie Citie had in suburbs 1000. cubites from  
thewall round. Num. 35. 5. which according to *Hierom*'s  
description of the whole land, will affoord a large por-  
tion for a Tribe. Thus wee see how tithes stood vnder  
the law, not as a matter then inuented, but as an an-

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cient ordinance, a perpetuall truth practised long before the law, and in the law renewed for the honourable maintenance of them who then were appointed to the seruice of God.

Som haue devised to trouble this question with doubts, but they run very inconstantly, sometimes one way, sometimes quite contrary, which argueth either want of sincritie or of attention to the question, for sometimes they will say tithes are Ceremonies: sometimes they saie they are iudicials, now these bee so contrarie opinions, that both cannot be true. It were enough for mee, to set them against themselves, for one of these opinions doth necessarily ouerthrow the other, and both are ouerthrowne by the truth, we must then severally examine these opinions.

Whether  
tithes be  
ceremoni-  
all.

First, whether tithes be Ceremoniall. Secondly, whether they bee iudicciall. To knowe whether tithes be Ceremoniall ( that wee may adde more proffes to that which wee haue said in this point) it seemeth needfull to set downe the definition of a Leuiticall ceremonie, which may be defined thus: A Ceremonie is a carnall type of an holie thing, which for the seruice of the Tabernacle is inioyned onely vntill the time of reformation. By an holy thing in this definition, wee vnderstand an Euangelicall truth, by the time of reformation we vnderstand, the first comming and full appearance of our Lord Iesus Christ. All the parcels of this definition are confirmed by the Apostle, *Heb.9.* that it is a carnall type of an holy thing, it is proued. *verse 10.* where they are called carnall rites, and *verse 23.* they are said to bee similitudes of holy or heauenly things, that such Ceremonies were for the seruice of the tabernacle, he sheweth *verse 2.* where first hee describeth the tabernacle, and presently ioyneth the Ceremonies as belonging to it, and againe, *verse 8.* and *21.* so that all those Ceremonies had respect to the tabernacle, and that they were ordained to indure onely vntill the time of reformation, it is deliuered in expresse words, *ver. 10.*

It may be obiected, that albeit all these thing bee expressed

preſſed in the Apostle his words ; yet his meaning may be not to define a Ceremony, but to describe diuerſe kinds of Ceremonies ; as namely, that of Ceremonies ſome are carnall types, other for the ſervice of the tabernacle, o-thers to indure vntill the time of reformation, &c. wee anſwere for our purpose all is one, whether it bee graun-ten that this a definition, or a diuision of Ceremonies : if it be a definition, tithes muſt agree to this definition, or elſe it can not be Ceremonial : if it be a diuision of Ce-remonies, then tithes muſt agree to ſome part of it, other-wife they can bee no Ceremonies, but wee ſay that tithes neither agree to the whole, nor to any part thereof, for they are neither carnall, nor types, nor carnall types of holy things, nor for the ſervice of the tabernacle, nor in-joyned to indure onelie vntill the time of reformation : if no part heereof agree with tithes, how is it poſſible this thing ſhould be a Ceremonie, let vs then examine the parcels.

First, tithes are not carnall, for carnall in the Apostle his ſenſe, is not taken for euery worldly thing, but for ſuch a worldly and rude element, or as the Apostle cau- leth it, *Gal. 4.9.* ſuch an impotent and beggerly rudiment as ſerved for the iuſtition of the rude and ignorant people of the Jewes, hauing no ſuſe among Christians : but tithes ſerved not for iuſtition of the Jewes, for they did teach nothing, and yet they haue among Christians the ſame uſe, which then they had : for they ſerved then, as now alſo they doe, for honour and maintenance of them who teach the people. Is it poſſible that this thing ſhould bee a Leuiticall Ceremonie, which hath the ſame uſe among Christians, which it had in Iſrael? Far-ther, tithes are no types, for a type was iuſtituted for no other uſe, but to ſignifie an holy thing in Christ or his kingdome, but tithes were not iuſtituted for this uſe to ſignifie any thing in Christ or his kingdome, therefore no types : this appeareth plainly, becauſe tithes are after Christ, as they were before, the honourable maintenance of the ministerie alwayes, therefore they ſignified no more

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more then now they doe; but as they were, so they stand still, or if anye thinkē that tithes were instituted onelie to signifie something, let that thing once be shewed. Now if they be neither carnall, nor types, how can they be carnall types, and by consequence they are not carnall types of holy things, but they are those holy things themselues, for to pay tithes sincerely to the ministers of Christ, is an holy thing, and this is enough to proue it no Ceremonie, for no Ceremonie is of it selfe an holie thing: but that this is, it is apparent, because now in the time of the gospel the same vse of this thing is retained, when all Ceremonies are abrogated, neither were tithes instituted for the seruice of the Tabernacle. I speake heere of the ordinance of tithes, not of the Leuiticall assigntion which assigntion I graunt was instituted for the seruice of the Tabernacle, but the question of tithes in generall, is much differing from this assigntion, for tithes were before the law, this assigntion was not, tithes are in vse after the law ended, this is not, therefore there is as much difference betwene tithes in generall and this assigntion, as betwene things perpetuall and temporary.

Last of all, it is evident, that tithes were not inioyned vntill the time of reformation, for they are in vse after that time, therefore we reason thus; No Leuiticall Ceremonie may be allowed to remain in the Church any longer then vntill the time of reformation, but tithes are, and haue beeene by all godlie allowed to remaine in the Church after the time of reformation: therefore tithes are no such Ceremonies, the assumption is in the manifest knowledge and consciences of all men: the proposition is proued out of the words of the Apostle, where he describeth Ceremonies in these words, *Hebreues 9. 10. Carnal rites which were inioyned vntill the time of reformation.* If those carnall rites were inioyned vntill the time of reformation, then manifestlie it followeth that these carnall rites were to be abolished at the time of reformation, and are not to be retained in the Church after that time: heere then of two things we must choose one, eyther to say, tithes are

no ceremony, or to charge the Church of Christians of impiety in the highest degree, for appointing tithes for the maintenance of ministers, and so retaining a ceremonie in the Church after the time of reformation, against the expresse doctrine of the Apostle.

But now consider what answere is thought by someto be sufficient. This for sooth, that tithes are vsed now in the time of the gospel, not as a ceremonie, but as another thing: they were vnder the law (say they) ceremonies, but now they cease to bee, and are retained as some other thing: let them bee as what you list, this is no sufficient answer to that which I haue said. And to shew the weakenes heereof (because in this aunswere is placed all the hope of them who hold tithes ceremonie) let vs take a little paines with it, for the inualidity of this poore shifte being manifested, we may go with more ease through the rest. If this were a sufficient answere to say, we vnderstand tithes now not as a ceremonie, then surely nothing in any disputation can be proued, and because this matter reacheth farther then at the first shew it seemeth, it shall not bee vnpromitable by the way of a short digression, to speake in generall of insufficient answering, that is, of vnexact distingushing: where the truth is onely soughe out, without heat or contention, there the distinction of the answer will shew it selfe so quicke, as that it doth not onely answere the Sophisme, but also carrieth force and power in it selfe to ouerthrow the contrary falsehood, but where the distinction hath not this life in it, there it distrieth it selfe to bee, not as armour of defence as it should be, but onely, as that sodaine helpe, which the man in daunger of drowning catcheth after: for example, that answere which serueth for the common hackney in schooles: *verum est materialis br., non formaliter*: let it be allowed for a sufficient answer, and what can bee concluded? That the absurdity heereof may more plainelie appeare, I will recite certaine examples.

Thomas Aquinas concludeth, that concupisence which  
passeth the bonds of reason is against nature. *Dominicus* 1.2. q. 81.  
art. 1. ad. 1.

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*Soto* not consenting to *Thomas*, and yet being vnwilling to stand against him in contradiction, thinketh this a sufficient answere: that which *Thomas* faith is true, *Ratione forma*, *sed non ratione materie*, *nam ratione materie* (faith *Soto*) *concupiscentia illa est naturalis*. *Martin Luther* made this obiection against Indulgences, Indulgences are said to remit penaunces, but penaunces are good workes; such as Fasting, Almes, Prayer and the like: therefore Indulgences are not good but pernicious, seeing they hinder men from good workes. *Bellarmin* thinketh it sufficient to answere thus, Indulgences remit penaunces not as they are good workes, *non quatenus sunt bona opera*, but as another thing, as if hee should saie, *verum est materialiter, non formaliter*. Iust as these men distinguishe in a Ceremonie, tithes are now retained not as a ceremonie, but as another thing.

Lib. 2. de  
Indulg.  
cap. 1.

Gal. 5. 3

If this kinde of answere runne for currant, who seeth not that this blinde distinction is at hand ready against any truth though never so well concluded? for when a man hath concluded, that to drinke till a man be drunk is a sin, some will finde out this distinction, it is a sinne *materialiter, sed non formaliter*: for I vse it, saith hee, *Non quatenus*, not as drunkenesse, but as another thing. And why may not another frame the same distinction for whoredome, especiallie if hee maie alleadge the aduise of some Physitions which hold such physick needfull for his body. And so in other things I would knowe how a man can conclude against the *Ebionites*, if this kinde of aunswering bee receiued for good? they receiue circumcision with the Gospell: how will you disproue them? if you vrgethose words of the Apostle, *If you bee circumcised Christ profiteth you nothing*: maie not they aunswere the Apostle, *verum est formaliter, non materialiter*. Wee retaine circumcision not formallie, *non quatenus*, not as a sacrament, but as another thing. If this were nothing else but to mocke the Apostles diuinitie, why should any bee so much overseen, as to thinke this distinction may stand against vs, which in the like case can not stand against the Apostle?

Apostle ? Therefore it is not enough to bring a distinction, but the parts thereof should bee confirmed out of the principles of that profession, wherein the disputation is : if the disputation be in Logicke or Philosophie, then the parts of the distinction to bee confirmed, out of Logicke or Philosophie ; if in Divinitie, then out of the Scriptures. This sincerely practised would cut the sinewes of many fruolous contentions which are so often moued and repeated againe without end. Thus much concerning the idle and endlesse humour of writing, which proceedeth for the most part from insincere answering.

Now to retorne to the former aunswere of those, who thinke they haue said enough, when they say that tithes are not now established in the Church as a Ceremonie, but as another thing, it is as if they shoulde say *verum est materialiter, non formaliter*. For the forme of a Ceremonie remaineth not, yette the matter, say they, remaineth. Which aunswere as in some place may stand, so heere it cannot, vnlesse the parts of this distinction be proued by scripture, which no man hath at anie time as yet proued. For it shoulde proued by scripture that tithes were a Leuiticall Ceremonie, and that the thing which once was a Ceremonie, may be retained in the Church of Christ, but wee haue shewed the contradictory to both, that tithes were never a Ceremonie by the description of a Ceremonie, and that the thing which was a Ceremonie may not bee retained in the Church of Christians, because it was inioyned onely vntil the time of reformation : and therefore wee conclude, this answere is euerie way weake, and no sufficient exception against our cause.

But for the later part thereof, it may bee thus obiec-  
ted, somethings were Ceremonies which yet are, or may  
bee lawfullie retained among Christians, as not to sowe a  
vineyard with diuers kindes of seedes ; not to plow with  
an Oxe and an Aise ; not to weare a garment of diuers  
sorts, as wollen and linnen together, *Deut. 22.* I answere  
thescriptures *Deut. 22.* doe not speake of Ceremonies,  
but of iudicials. Of this answere, there are these reasons.

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First, throughout that Chapter he speaketh of things iudicall, and in the Chapter next before, as also in that which next followeth, hee declarereth precepts iudicall of all sorts, concerning matters of state when they goe to warre, touching publike affaires, touching priuate, touching husbandry, touching a mans comely carying of himselfe abroad and at home: For iudicalls reach not onely to the great affaires of a state, but euen to a comelynesse in husbandry and apparell, of which ciuill comelynesse these precepts are to bee vnderstood, and in a ciuill state well and exactly gouerned, to be received: for ciuil come-lynesse, and an exact order is to bee setled in euery part of the state.

Another reason that these precepts are to bee vnderstood of iudicalls, not of ceremonies is, because these things cannot agree to the description of a ceremony, out of the Apostles wordes, for neither were these carnall tipes of holy things, neither were they instituted for the seruice of the Tabernacle. Againe it can not bee saide that a ceremonie is negative, as a precept may bee, for they are not set downe in negatives, this thou shalt not doe, but in affirmatiuies in doing or vsing: for a ceremonie is positiuely to represent an holy thing, for which cause the Apostle calleth them *αγιτιτυπα των αλισθων*.

Heb.9.24. Moreover in these and such like precepts we obserue that albeit some signification may well be drawne from them, yet that will not suffice to proue them ceremonies: for from that which is written *Deut. 25. Thou shalt not muzzle the mouth of the Ox that treadeth out thy corne*, The Apostle *Cor. 9.9.* draweth a signification, and thereby a strong reason for maintenance of ministers, and yet I suppose, no man will hould that precept to bee ceremoniall, for it is iudicall altogether, because it is of things in common vse, therefore certaintly iudicall: euen so are these precepis *Deut. 22.* to bee vnderstood. Wherefore the contrary apparaunes beeing remoued, the truth of this conclusion will better appeare, tithes are no ceremonies.

Now

Now as it is an easie matter for any without much learning to say tithes were ceremonies, and so rest there without reason, without discussing the manner and cause thereof, so if any would enterudiculously into the carefull and consonable search heereof, and open vnto vs the signification of this ceremonie, and shew vs the proper end and vse therof, and proue with one sound reason, that tithes were instituted to signifie something onely for a time as all ceremonies were: I should for my part think my selfe much beholding to him, otherwise if thou shalt tell me a thousand times it is a ceremonie, though this were true that thou saist, yet because thou knowest not the reason and ground thereof, to thee it is as an vnituth. He who holdeth this a ceremony, ought to bring an approued reason from the word, and declare the true end and vse of the ceremony, which will open the signification thereof: till that be done, he that saith it is a ceremonie speakeith without vnderstanding.

We shall haue leſſertrouble to disproue the other opi. Tithes not  
nion, which holdeth tithes iudicials, because it is ho- iudicials,  
den with much leſſe shew of reason: for to bee briefe  
heerein, we reason thus. No holy things are iudicials: but  
all tithes are holy things, therefore no tithes iudicials:  
The propositiōn of this syllogisme is manifest by that  
distinction which must be acknowledged between things  
holy and common: holy things are taken from common  
vſe, which things are of two sorts, eynther such as the Lord  
separateth from common vſe as the sabbath, & leuiticall  
tithes and ſuch like: or ſuch as man separateth from common  
vſe to the Lord, of which thofe words are *Leuit. 27.*  
*28. Nothing ſeparate from common vſe, that a man doth ſeparate to the Lord, of all that hee hath, may bee ſold nor redeme- med:* and in the verle following, things ſeparate from common vſe are expounded, ſeparate from man. Thus  
are all holy things ſeparate from common vſe or from  
man, but all iudicials are of things in common vſe, not ſe-  
parate from man, therefore no iudicials are holy things,  
no holy things iudicials.

## CHAP.3.

By this which we haue said, the question I hope is cleared which was mooued in the beginning of this chapter, how tithes stood vnder the law. It appeareth that then they were not as Ceremonies, nor iudicials, but a perpetuall ordinance and part of the morall truth. Before wee paule from this place, I would adde a word of the Antiquite of these two opinions which I haue last refuted. The iudgements of former ages is a great presumption, and men of judgement will very hardlie depart from an ancient opinion without great reasons. Now as the opinion which I seeke to confirme is ancient, and hath beene held by the best learned in the Church from the beginning till these late yeeres: so those other two opinions lastspoken of, are both new, though the one somewhat elder then the other. That tithes are Ceremonies, is an opinion devised about an hundred yeeres since, not aboue the other, that tithes are iudicials is auncienter, for it was first devised by *Alexander de Hales* an English man the father of schoole-diuinitie, the first that wrot vpon the sentences. This *Hales* died in the yeere of Christ 1250. saith *John Bale*. The same opinion is maintained by *Thomas Aquinas*, scholler to *Hales*. These their chieftaines the schoole-men follow, and hence it is now a received opinion among them of the Church of Rome, that tithes are iudicials. But onething I wish to be obserued, that after the Pope had through corruption made tithes awaie from their proper Churches by impropriations, then forsooth to salue this corruption, leaft it might haue beene thought open sacrilidge, these devises were first inuented. This I thought good to note, that it may be knownen that this corrupt opinion of tithes came in with infinite corruptions and deprauations of the truth.

3. part. q.  
11.3.

2.2. q. 87  
Art. 3.

CHAP.



## CHAP. IIII.

*How Tithes stood in the time of the new  
Testament.*

**L**et it bee examined in the next place, how tithes stood in the time of the new Testament. In this time we finde no expresse mention that tithes were payed, nor any expresse proofe that they were not, but there is great probabilitie that they were not. First, because we finde no expresse testimony for them. Secondly, because that vse of paying tithes, as the Church then stood, was so incommodious and cumber som that it could not well be practised. And therefore as circumcision was laid aside for a time, whilst Israel traauled through the wildernes, not because the people of right ought not then also to haue vsed it, but because it was so incommodious for that estate and time of the Church, that it could not without great trouble bee practised: even so the vse of tithes in the time of Christ and his Apostles was laid aside, not because it ought not, but because it could not without great incumbrance bee done. And as circumcision was resumed as soone as the estate of the Church could beare it: so tithes were reestablished as soon as the condition of the Church could suffer it, for tithes can not well be payed, but where some whole state or kingdome receiueth Christianitie, and

## CHAP. 4.

and where the magistrate doth fauour the Church, which was not as then. Now as soone as it can bee shewed that a Magistrate did fauour the Church, so soone will it also appeare that tithes were established.

Thirdly, moreouer tithes were payed to the priests and Leuites in the time of Christ and his Apostles: now the iewish synagogues must first bee buried, before these things could be orderly done: when the synagogue was buried, and the estate of the Church could beare the practise, then were tithes brought in vse into the Church.

Fourthly, in the times of the new Testament and somewhat after, there was an extraordinary maintenance by a community of all things, which supplied the want of tithes, but this community was extraordinary, and not to last alwaies: now as this extraordinary maintenance decayed, tithes being the ordinary maintenance of the ministry grew in vse againe, and if it should so happen, that the Church shoulde bee in the like case againe as then it was, then must paying of tithes cease for the same reason, as then it did. And then might that community bee reduced againe for that time, that is, an extraordinary maintenance at an extraordinary time: but this could not prejudice the right of the ordinarie maintenance, when fit time serueth. Albeit then that for these reasonstithes were not vsed *de facto* in the time of the new Testament, yet it appeareth that *de iure* they ought to haue beeene payed, if these incumbrances had not disturbed the conuenient practise therof: *Mat. 23.23.* *You tithe mint, and annise, and cummin, and leave the weightier matters of the law, &c. these ought ye to haue done, and not to haue left the other undone,* from which words tithing hath the approbation of Christ, as a thing that ought to be done, there is an oppositiō between things of the same kinde, the greatest morall things in mercy and iudgement, and the least morall things in paying the least tithes. Thus *Origen* and other fathers vnderstand these words, as belonging no lesse to Christians, then to Iewes. *Luke, 18. the proud Pharisee in his prayer saith,*

Hom. 11.

In num.

August. in

Plat. 146.

I fast twice in the weeke, I give tithes of all that ever I posse, where we finde tithes accounted morall, as fasting. *Heb. 7.8.* the Apostle sheweth from *Abrahams* paying tithes to *Melchisedec*, that Christs priesthood is perpetuall, nor subiect to change as was that of *Levy*, which declareth that tithes follow that priesthood which is perpetuall. Briefly I reason thus, there is no proofe throughout all the new Testament, for any other ordinary maintenance of the ministry: therefore tithes remaine still the ordinary maintenance.

But because the Apostles times are so much obiected against vs for the pretended competency, wee must better consider these times so farre forth as they touch this maintenance. In the Apostles writings ther be two things to be obserued concerning this point. First the examples of that maintenance which then was in vse. Secondly, the reasons and proofes which the Apostles vse to moue the people to contribute: both these things stand against the pretended competency: for if the examples bee considered, that which was done appeareth to bee nothing else but almes, if the proofes be weighed, they are such as proue another thing then that which then was practised, and if they be well examined they proue tithes due. Now the Apostles reasons are good and strong, when as by such proofes as indeed proue the ordinary maintenance due, he calleth for some other thing of the people, becauſetithes the ordinary maintenance could not in that estate of the Church well bee payed. If these things be examined in order, it will appeare first by the examples and practise of that time, that those contributions were nothing but almes, for no man was compelled to giue any thing, but every man gaue as hee was moued. It shall bee sufficient of many to shew a few examples. The Apostles speaking of such contributions, *Romanes 15. 26. 27.* saith, *It hath pleased them of Macedonia and Achaia to make a certayne distribution, &c.* By which words he describeth an almes, and in the words following, where hee saith, *It pleased them, & their debtours are they:* hee shew-

## CHAP. 4

eth this distribution was but almes, for if it were giuen at their pleasure, and if they who receiued it, were their debtours, surely it can bee nothing but almes. The circumstances of that action prooue no lesse, for they of Macedonia and Achaia, as likewise they of Rome, were not bound in any other dutie then meere charitie to maintaine those at Hierusalem. And as heere wee finde that hee accompteth it so, even so hee calleth it in plaine tearmes by the name of Almes, *Act. 24. 17*. After many yeeres *I came and brought almes to my nation*. By this it may appeare that the Apostle accompted such contributions as then were vied in the Church, meere Almes.

Apol. cap. 39. Tertullian speaking of this vse, which as it seemed continued to his time, saith thus: *unusquisque stipem quam velit, & si modo possit apponit, nam nemo compellitur sed sponte confert.* Then from the vse and practise of the Apostles times nothing can bee prooued but almes, and therefore this competent maintenance cannot bee drawnen hence, first because this competency by them who striaue for it, is not meant almes: secondly because they who hould this, doethinke that the people may bee compelled to contribute something, but this is directly against the vse of the Apostles times, for no man was compelled, but that onely was taken which was willingly giuen. Thirdly, because they would haue it at the appointment of the magistrate, which thing is not answerable to these times. This may suffice to prooue that this competent maintenance doth not agree with the vse of these times whereof wee speake.

This the *Waldenses* and some after them did foresee, and well vnderstood, that if the practise of the Apostles be vrged in this point, then assuredly nothing can be claimed but almes. And therefore they vrging that vse did truely thereupon conclude that the ministers maintenance must be almes: though they vrged those times without reason, yet that being once graunted the other must follow.

Now

Now let vs consider the reasons which the Apostles vse in mouing these contributions: these reasons if a man consider them aright, doe reach farther then they are applied, and indeed doe conclude another thing, for seeing the contributions then practised were almes, and the reasons confirme a due maintenance, surely they confirme another thing then was practised at that time. For example, the reasons whereof wee haue spoken, *1. Cor. 9.* *Who goeth to warfare at any time of his owne cost? who planteth a vineyard and eateth not of the fruit thereof? or who feedeth a flocke and eateth not of the milke?* These reasons doe not so much proue that which then was in vse, as another thing. What that other thing is, that is heere in question: we say tithes: other say, a competent maintenance, but these reasons prouethe ordinary maintenance of ministers due.

Now because tithes, the ordinary maintenance, could not bee payd without great incumbrance, the reasons shew that in place thereof for a time some other thing must of right bee payed. So the Apostle reasoneth, *1. Cor. 9. 13.* *Doe you not know that they who minister about the holy things, eat of the things of the temple, and they who wait at the altar, are partakers of the altar?* So also hath the Lord ordained that they who preach the Gosspell should live of the Gosspell.

This reason concludeth very strongly for tithes, and for nothing else, for it must be granted that the Apostles words concluding something certainly, do rather conclude that which was the ordinary maintenance commonly receiued in the Church, then that which was neuer in vse in the Church, certainly not in those times. Now tithes were ordinarily received in the Church, as the ministers maintenance, but this competency as it is vrged, was neuer in vse in the Church, surely not in the Apostolike times. Now it were hard to say that the Apostle reasoneth for such a thing as was neuer in vse.

Againe, the Apostle saith, the Lord hath ordained the ministers maintenance, this ordinance is not *indis-  
dutum*

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*anum viagum*, but some certaine thing, beeing a part of gods worship. Now we can say that tithes are the Lords certaine ordinance, but who is able to say and prooue so much for this competent maintenance? As for the vse and practise of the Apostles times, assuredly it was no perpetuall ordinance of the Lord, but an extraordinary vse for a time: wee seeking the ordinary maintenance, and this being extraordinarie to indure but for a short time, shall never finde that which wee seeke in the vse and practise of those times. Then whereas the Apostle saith, the Lord hath ordained that they who preach the gospell, should live of the gospell; there must be some ordinance of the Lord shewed, but none can bee shewed, but either tithes or the vse of the Apostolike times, therefore this ordinance must eynther bee tithes, or almes; but not almes: for this vse of the Apostles times were extraordinary, therefore the ordinary and perpetuall ordinance of the Lord for the ministers maintenance, can be nothing else but tithes: and that the reasons vsed by the Apostle doe in truth confirme tithes, albeit they name not tithes, it is the iudgement of diuers fathers, as hereafter may appeare.

Now that which standeth with best reason, with the perpetuall and ordinary practise of the Church before and since Christis time, and hath the ful consent and testimonie of the auncients, I prefer before that which standeth with no reason, was never vsed in the Church, and hath the testimony of no ancient father.

CHAP.



## CHAP: V.

*How Tithes stood in the ages of the Church after the Apostles: wherein the point in question is confirmed by the testimony of fathers without contradiction, untill Antichrist by usurped authority disordered the Church.*

**G**OW long that community of all things lasted in the Church, which began in the Apostle times, we can-  
not precisely determine, but it see-  
meth to haue beeene in some vse in Apol. cap. 39.  
Terullian time, for so he saith, *omnia  
sunt indifferenta apud nos prater uxores.*

*Eusebius* laboureth to proue out of *Philo*, that the Chri-  
stians at Alexandria conuerted by *Mark*, had all things Hist. eccl. lib.  
1. cap. 17.  
common. But the testimony of *Philo* speaketh of those who  
were called *Essai*, not of Christians: yet that this commu-  
nity was long continued among Christians, it is out of  
doubt. Some think that *Urbanus* Bishop of Rome **An. 223**  
did make some mutation in the the vse of this communi-  
ty, who first of al is reported to haue retained lands to the  
Church vse, for where as before we read *Act. 2. 34. as many  
as were possessors of lands, sold the same and brought the price to the  
Apostles: Afterward it was thought expedient for the per-*  
petuall:

## CHAP.5.

petuall relief of the Church, that such lands should not be sold, and the price giuen, but the lands themselues should be giuen to the Church. *Fasciculus temporum ascribeth this to Urbanus, pradia capi ecclesia possidere huius (urbani) tempore, de quibus clericis & notariis sumptus deputabant qui gesta martyrum conscripserunt, antea vinebant more Apostolico qui in actis Apostolorum scribitur.* Marsilius Paracrinus saith likewise, that Urban was the first that possessed lands and temporalties, yet it seemeth that vse began before Urbanus histime, if Gratian cite truely the words of Urban.

Albeit there may bee some question of the authority of this testimony, the credit whereof I will never seeke to value: yet because in a matter of story, it agreeth with other stories of that time, I thinke it not amisse for the stories sake to set it downe as it is in *Gratian*, and in the first tome of councells.

*Videntes autem summi sacerdotes, & Videtes.* *& alijs atq; Lenitis, &c.* that is, the chiefe Bishops and other, and the Leutes or ministers, and the rest of the faithfull perceiving that whereas lands and inheritances were wont to bee sold, and the price giuen to the Church, it might be more profitable if those lands and inheritances themselues were giuen to the Churches that are governed by Bishops, because the faithfull that liue in common might better bee serued and much more conveniently by the rents of such lands, both for the present time and for the time to come, then by the price in money: heereupon those lands which before they were accustomed to sell, they begunne to bestow vpon Cathedrall Churches, and to liue of the rents. Now thicke lands were within the priuiledge of every such diocesses of the Bishoppes who hold the place of the Apostles, and so the same lands are, and for the time to come ought to be. Out of these, the Bishops being faithfull stewards heereof ought to minister all necessaries to them that desire to liue in common, so that among them none want, for these things are the oblations of the faithfull, by these meanes the cathedral churches gouerned by the Bishops haue by Gods

Defens.  
Pacis. par.  
3. c. 35.

Caus. 1. q.

Matrici-  
bus eccl-  
esiis.  
In dictio-  
ne singu-  
larum pa-  
rocharum  
episcopo-  
rum.

Godshelpe had such increase, and so many so well provided, that among them none that liueth in common, wanteth anything, but receiuteth all necessaries from the Bishop and his ministers. And therefore if either now, or heereafter any shall takethose lands, let him bee accursed, &c.

Out of which testimonie, first it appeareth, that the community of things lasted in some sort to this time, and therfore tithes are not spoken of so long as this community was in use. It is also apparant by that which followed, that this thing was the first occasion that the community ceased, and that tithes came in use again. Secondly, we obserue that the lands and temporalties of Bishops were not for this end, and use giuen them, that they should keepe all to themselves, but that they thence might comfort such as wanted, especially in the ministry. Thirdly, it appeareth plaine sacrilege to take such lands and temporalties away from the Bishops and the Church. For first the lands were sold and the price giuen, afterward the lands were giuen, if it were in the chiose of the giuers, whether they would giue the price in money, or in lands : I demaund this question, when they gaue the price in mony, was it not sacrilege to take it backe againe, or any part therof? as *Ananias and Sapphira did, Act. 5.1.* Now if it were such sacrilege to take backe the price, is not the same to bee thought of the lands themselves? for in this question what difference is betweene the lands, and the price of those lands?

Now wheras the question may be moued concerning Abbey lands, which were giuen for superstitious uses: first the Civilians and Canonists are agreed vpon the point: for the Canonists hold that a custome may make a law how erroneous soever the beginning was: the Civilians indge that if a thing bee giuen to the Church for vnlawfull uses, those uses must bee altered, but the thing remaine. But now admitting that an error in the beginning make a nullity in the gift from the beginning: yet we say this toucheth not Bishoprik lands at all, for

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whosoever is diligent in the story of the Church, will confess a great difference betweene lands giuen to Bishopricks, and to Abbeys: for Bishoprick lands were giuen presently vpon the planting of Churches. And no story can shew that euer there was a Church planted in the best times, but either lands were committed to the government of Bishops for the vse of the Church, or else the price was brought to them, who then gouerned the Churches: but in Abbey lands the case was nothing like, for this indowment of Abbeys with lands was of late, in the time of superstition, brought in vse, not vpon the calling and planting, but vpon the corrupting of Churches. For which cause it must bee confessed that these two things, are not to bee spoken of confusedly, as if one and the same case were in both, seeing they are from such differing beginnings, and for such differing ends.

Thus much then may be drawne, I say not from *Urba-nus* his testimony, but from the practise of the Church in the Apostles times, that whatsoever was giuen to the Church, there being no error or superstition in the gift, that of right ought to remaine to the Church, and to take that away, is sacrilege, what is sacrilege if this bee not?

Now as this doth maintaine the right of Bishops temporalities to the Church, because that gift was giuen to the Church in the beginning without error or superstition: so it maintaineth the right of tithes, which have beene giuen by the common consent of Christians to the Church. If there were no other right sauing this, that tithes have beene dedicated to the Church, and in that dedication there was no error or superstition, this were enough to proue that tithes could not bee taken away, no more then *Ananias* and *Saphyra* might take away any part of that which they had vowed to the Church. But when we haue this reason added to the ex-prelewil of God, that all tithes are the Lords, alwaies to bee giuen to him, as wee haue shewed, heerein must needs be double sacrilege, and manifest impiety committed

mitted, to take that away from God, which God and man hath decreed should be his.

A learned and godly minister of Scotland hath set foorth of late certaine sermons against sacrilege, yet not touching this question of tithes in this sort, but rather declaring his opinion, that in some cases tithes might be changed into another meanes of sufficient provision, if such godly zeale were now among men, as was of old time, yet these cases wherein this change may bee admitted, hee doth not open, but as now the zeale of men standeth, hee is vtterly against the change. But it fareth with him, as it must needs doe with all that sincetely write eyther against sacrilege or for the maintenance of ministers: for let a man throughly touch these points, and will hee, nill hee, hee shall proue tithes due, as this man doth, though not purposing the same, for hee proueth, that to take away any thing of that which is holy to God, is sacrilege. Now that tithes are euer holy to God, wee haue proued, both dedicated to him by man, and auouched by himselfe, so that of all things than can bee called holy in this sense, nothing hath that place before tithes. If then sacrilege bee in taking away holy things from God and his Church, it appeareth more in taking away tithes, then in any other thing whatsoeuer. Neither can sacrilege heerein be excused though men should establish something in place of that holy thing taken away.

First, because the changing of holy things is sacrilege no lesse ( though happely a lesse kinde of sacrilege) then taking away of the same. If *Nabuchadnezzar* hauing taking away the holy vessels out of the house of the Lord, should in place thereof haue put some other: might his sacrilege thereby be excused? or *Beltesar* taking the vessels of the Lords house, and in them banqueting with his Lords and Concubines, if he should in stead thereof haue placed other, could any iustifie his sacrilege therefore? no more can the taking away of tithes bee iustified, though something in place thereof should

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bee appointed by men. Secondly, againe albeit wee shou'd admit, that in some things of the Churche this might bee dohe, yet that it can beithes wee vtterly deny, vnlesse it bee prooued that the change is made by the same power and authority by which tithes are made holie to God: now wee haue sheweit that not onely man did not make tithes holie to God and his Churche, but the Lord himselfe.

Heirein then wee haue not onely the consent of man, but the expresse approbation of God: so that if all the men of the world shou'd agree to change tithes, yet this would not make it lawfull without expresse warrant from God, who hath appropriaed tithes to himselfe, and out of his owne right assigneth them to the maintenance of the ministry. Thirdly, what reason shou'd moue any man to thinke it sacrilege, to take away lands giuen to the Churche, albeit giuen for superstitious vses, and yet thinke it no sacrilege to take away or change tithes, which were not giuen for superstitious vses, but for maintenance of preaching? For hee that alloweth some other prouision in place of tithes, graunteth, that to take away tithes in some case, is not sacrilege: If the restitucion of some prouision in place of tithes could saue the Sacrilege, why may not the Sacrilege of men bee excused, who take away as much of the Churche lands as are at the value of tenne thousand pounds, and in the place thereof give tenne pounds? For when any thing is taken away, that a thing of the same value shou'd bee restored, who can expect? and who shall bee judge? If then to give some thing in place of that whiche is taken away, salue it from the crime of Sacrilege, who seeth not to what a wretched estate the Churche must needs bee brought? For may not all bee taken away, and something bee giuen backe in place thereof, and yet that something bee as good as nothing? But they who admit that tithes may be taken away from the Churche, doe it with this caution, so that a sufficient prouision bee left. This is a casle in the

the aier, that never stood on the earth: For if we speake of the ordinary maintenance of the preaching ministry, a sufficient maintenance is not, neither at any time hath beene without tithes, and in this point the world is not like to alter.

Then to speake of a sufficient maintenance without tithes, is but a conceit in the braines of some men, which never was brought into action, never will bee: God allowing a sufficient maintenance to the ministry, nameth it tithes. Now what stipend can man name that will supply the place of tithes? I suppose it would much trouble the wifel to name a stipend that would be sufficient at all times: but tithes are sufficient at all times; howsoever the price of things rise or fall, the minister hath his part with his people in all estates by tithes: which proportioning of the ministers estate (making it able to answere all estates alike, whether deare, or cheape) proceeding from the wisdom of God, cannot bee bettered or matched by mans wisedom. Were it not then much easier to bring that ordinance in vse, which standeth so agreeable with the lawe of God, & nature, and of godly kings: then to deuise strange courses, which never were in vse; and being deuised will never prooue sufficient? But let vs retурne to the vse of this time whereof we speake.

The vse of giuing lands to chiefe Churches, whether begun before *Urban*, or by him, so much as in him lyeth, he confirmeth; prouiding that those lands so giuen may bee retained to the vse of the Church. Such lands and possessions were then giuen to the head Churches of every countrey, and committed to the Bishops who gouerned those Churches, as to wise and fauill stewards to husband the same, according to the necessities of the Church through their diocesses. It grew afterward in proesse of time; that the Bishops held those lands for their proper vse: but this was from a later vse; the distribution of Church goods, being first brought into four parts, and by little and little afterward (as authority, so power to maintaine that authority) falling

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into the hand of oneman. The former vse was so ancient, that it is hard to fetch the beginning thereof. In the time of *Urbanus Origen* liued: for *Heiron* saith, that *Origen* was 17. yeares old in the tenth yeare of *Sextus*, and died about the 70. yeare of his age. So hee liued long before and after the time wherein *Urban* sate in the See of Rome. In this time (that order of the Church, which before was held in the community of all things, decaying) tithes were accounted due, and called for. That thus they were accounted in his time, it appeareth by

Orig. Hō. 11. in Nū. *Quomodo abundat institutio nostra plusquam Scribarum & Pharisaeorum, si illi de fructibus terra sua gustare non audent, primumnam primis sacerdotibus efferant, & Leuitis decima separantur: & ego nihil horum facient, fructibus terra ita abutar, ut sacerdos necessari, Leuitas ignorat, divinum altare non sentiat?* where *Origen* for the farther manifestation of his meaning doth distinguish these tearmes, *lex, mandata, iustificationes, praecepta, testimonia*: but forasmuch as serueth our purpose, hee obserueth that it is not written, *hac est lex decimorum*, as it is written of things ceremoniall: *hac est lex pascua, lex Azimorum, lex circumcisionis*: where *Origen* noteth that this is a mark of a ceremony, for of such it is never written saith hee, *hoc est mandatum Pascha*, but *hac est lex Pascha, &c.* by which hee proueth that tithes are no ceremonies, and he layeth downe this position, *Christus nos redemit de maledicto legis, non de maledicto mandati, nec de maledicto testimonij, aut iudiciorum*: which sentence would bee fauourably expounded, as taking *maledictum* for the obligation which did bring the curse withit: but I seeke not onely the iudgement of *Origen* for the point in question. Vpon these reasons hee saith plainly, *hanc ego legem* (speaking of the law whereby tithes were payed) *obseruari etiam secundum literam, sicut & alia nonnulla necessaria imputo*, and againe, *non videtur huicmodi anima habere memoriam Dei, nec cogitare, nec credere quia Deus dederit fructus quos caput, quod ita recondit quasi alienos a Deo: si enim a Deo sibi datus cederet,*

crederet, sciret utiq. munerando Sacerdotes, honorare Deum de datis & muneribus suis farther he expoundeth that saying, *Mat. 23.* these things ye ought to have done, and not to have left the other undone; to bee a precept no lesse for the vse of Christians, then Iewes. Out of which testimonies wee see plainly what *Origen* (whom *Hierom* accounteth the most learned of the Fathers) esteemeth of tithes. Of diuerse things so exprefſely affirmed by him, we may especially obſerue two.

First, that *Origen* (who by *Hieromes* account was borne in the yeare of Christ 188.) had receiued from his elders no other knowledge of this question, then this, that tithes are due among Christians, *secundum literam*, as well as among Iewes.

Secondly, it is to bee obſerued, that as ſoone as wee firſt hear any thing ſpoken of this question in the church we find that tithes were not accounted ceremoniall, or iudicall, but morall and perpetuall precepts for the Church. Now as *Origen* receiueth and reporteth the doctrine of the Church before him, ſo immediately ſucceeding the Apostles, for betweene the death of *John the Apostle*, and *Origen* were but 84. yeares, ſo that which *Origen* heer deliuereth of tithes, was neuer croſſed in the Church following, till Antichrift opprefſed all. Now this ſeemeth to mee, a very great presumption for the truth, if there were no more, that a ſentence ſhould bee kept in the beſt times of the Church, ſo long vncoutrolled, and neuer altered, till the miſt of ſuperſtitio[n] came in, which changed all things. But let vs conſider the reſt which follow.

Next after *Origen* followeth *Cyprian*, who reproving *Cyprian Geminus Faſtinus*, whom *Geminus Victor* had made o-<sup>pp. 66.</sup> utſeene of his wil, this hee ſharply rebuking as beeing againſt the *Canons* faith, that minifters (oras he tearmeth them by a word in vſe in that age, *Preb[iteri]*) haue nothing to doe with ſecular affaires: but as the *Leuites* had no other buſineſſe but to attend on the Altar, ſo the Lord had prouided for minifters, that they might not be draw-

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en by worldly occasions from their holy businesse: but  
mght liue of that honorable stipend with their brethren, as they who received tithes of the fruit of the earth.  
&c. *Tanquam decimam ex fructu accipientes ab altari & sa-  
cerdotiis non recedant, sed die ac nocte celestibus rebus ac spi-  
ritualibus seruant.* Where he saith the ministers liued in  
*bonore & portulaniis fratrum.* It sheweth that ancient vse  
whereof wee speake before, that the goods of the Church,  
whether rents of lands, or tithes, or whatsoeuer other  
provision, were in his time retained according to the an-  
cient custome, in the Bishops hands, and out of them  
did the Bishop minister to the necessitie of every one: for  
*sportula* was the stipend or allowance of each *Presbyter*  
or minister, which the Bishop then vsed to distributre a-  
mong them, of the goods of the Church. This was the  
ancient vse of the Church, before the diuision of Par-  
ishes: for at this time the diuision of Parishes was not yet  
instituted, so wee finde tithes payed before parishes were  
diuided: but then brought to the Bishop and by him di-  
stributed among the Ministers.

*Inter de-*  
-  
*creta Di-*  
*onyfis &*  
*caul 13.*  
*q.1.*

It is the common opinion that *Dionysius* did first in-  
stitute the diuision of the parishes, who was Bishop of  
Rome by *Hierom* account in the yeare 266. that is some  
eight years after *Cyprians* martyrdome or *Origens* death,  
for they two dyed almost within one yeare. By this time  
parishes began to be diuided, and tithes ordinarily assig-  
ned to severall Churches.

Heere the question may be moued, when began tithes  
to be distinctly assigned to their severall Churches. This  
question wee moue for our masters at the common  
law, who following a common error, and taking vp some  
rumor without scanning, heould that tithes were not as-  
signed to any certaine Churches before the councell of  
*Lateran*: and that in the former times before that coun-  
cell, it was lawfull for a man to pay tithes to what Church  
he woulde; so he payed, it was no matter to whom. But this  
is a tale not only without all ground of story, but against  
the testimony of ancients: for presently vpon the di-  
uision

uision of parishes, it was assigned to what severall chur-  
ches tithes should be paid. *Gratian* bringeth a testimony  
out of *Dionysius* himself to proue this. *Ecclesiastis singulari*,  
&c. that is: wee haue assigned severall churches for se-<sup>3</sup>, *Caus. 3.*  
uerall ministers, and diuided to each their parishes and <sup>q. 2.</sup>  
church-yards, and appointed that every one should haue <sup>3</sup>  
their proper right, so that none may intrude vpon the <sup>3</sup>  
parish or right of another. The same is also confirmed by <sup>3</sup>  
the testimony of *Leo* the fourth, who saith, *de decimis &c.* <sup>3</sup>  
that is, concerning tithes not wee onely, but also those <sup>3</sup>  
auncients that haue bene before vs, haue thought good <sup>3</sup>  
that the people should pay them to baptismall Churches. <sup>3</sup>  
By a baptismall Church is meant such a Church where <sup>3</sup>  
all who dwell within the circuit of that parish ought to  
bee baptisfed, and it is distinguisched by this name from  
Chappells: for albeit diuerle Chappells were founded  
within the same circuit, yet it was the ancient order that  
Baptisime might not bee celebrated in those Chappells,  
but onely in the chiefe Church in that circuit. This is  
confirmed out of a councell of *Toledo*, *plures baptismales* *Caus. 16.*  
*ecclesia in una terminacione esse non possunt, sed una tan-* *q. 1. plures*  
*tuando cum cappellis suis*. The counsel called *Gabilonense* *Ibid Ec-*  
about the year 650. hath thus: *Ecclesia antiquitus con-* *clesiae*  
*stituita decimis, nec villa possessione primentur, ita ut nonis*  
*oratoriis tribuantur*. And in case a man shoulde build a  
Church or Chappell within his owne libertie, yet hee  
might not pay tithes to it; but the tithes must goe to the  
ancient Church as in former times, for so saith a coun-  
cel of Wormes about the time of *Charles the great*, *Qui-* *Ibid. Qui-*  
*cunq; voluntis &c.* that is, If any man will build a new *cunq;*  
Church within his owne liberty, he may, so hee haue the  
consent of the Bishop in whose diocese it is: but then the  
Bishop must prouide that the auncient Churches lose  
not their right and tithes, by these new, but the tithes are  
alwaies to be payed to the auncient Churches.

*Anastasius* Bishop of Rome, Ann. 398. hath two testi-  
monies to the same purpose, *Statuimus &c.* that is, we ap- *Ibid. statu-*  
point that if any shall withhold the tithes and offerings *imus.*  
which

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“ which the people are to pay, or shall give them from the  
“ baptismall Churches without the knowledge of the Bi-  
“ shop, or of him whose duty it is to looke thereto, and wil  
“ not be ruled by their counsell, he be accursed and debar-  
“ red from the communion.

Now if hence any shall surmisse that hee may by the  
sufferance of the Bishop doe this, because he is com-  
manded without his knowledge not to doe it: that is answ-  
ered, *Concil. Wormac*: that the Bishop himselfe may not  
giue that license to pay tithes from Baptismall Churches,  
¶bid. q. 7. and in another place it is said, that if the Bishop should  
do so, hee should turne the house of God into a denne of  
theeues, and shoulde therefore bee excommunicate with-  
Caus. 16.  
q. 1. out hope of returne. Again, *Anastasius* saith, *quidam laici*  
*qui vel in proprijs, vel in beneficijs suis habent basilicas, con-*  
*tempta Episcopi dispositione, non ad Ecclesias ubi baptismum*  
*& prædicationem, & alia Christi Sacramenta percepunt, de-*  
*cimas suas dant, sed proprijs Basilicis, vel atvis Ecclesias pro-*  
*libitis suotribunt, quod omnibus modis legi & sacris cano-*  
*nibus constat esse contrarium.* The councell of *Chalcedon*  
*Can. 16.* witnesseth that the country parish Churches  
were vnder the iurisdiction of severall Bishops, and if a  
question rose to which Bishop the parish belonged, *30.*  
yeares prescription was required to proue the right. If a-  
ny citie should bee afterward renued by the authoritie of  
the Emperour, then the ordination of Parishes should  
follow the new ordination of that citie. Thus were parish  
Churches vnder the gouernement of Bishops, and tithes  
assigned to their proper Churches, long before the coun-  
cell of *Lateran*: that councell prouided nothing at all in  
this point, onely whereas the Regulars and Seculars were  
then devising a trick to defraud the Churches of tithes,  
the councell prouided to take order to stop that iniustice,  
for the Regulars and Seculars when they let their houses  
or farms, would covenant that the farmer should pay  
tithes to them, hereby the Church to whose parish the  
farme belonged, was defrauded. To redresse this abuse  
the councel of *Lateran*, *Cap. 56.* ordaineth that such tithes  
should

should not bee payed to the land-lords, but to the parish Church. This is the rather to be noted, because it openeth the maner and beginning of that wickednes, which came in by such fraternities: for from these beginnings impropriations came in. Now the councell cunningly helped forward the matter, for by taking away priuate authority, there was a priuilege cunningly thrulst into the Popes hands, and therefore this abuse was forbidden by the councell, because they who would doe it, must fetch a licence from the Pope. As also in the same council. cap. 62. it is ordeined, that no reliques be honored, vniuersall first they bee approued by the Pope, so the loue of filthy lucre brought all this disorder into the Church. For about this time began those dispensations, as hereafter wil be shewed. Before we proceed to the testimonies of succeeding Fathers, one thing I would note concerning patronages of Churches, for that is a thing not worthy of knowledge, and pertaining to the question which I follow.

The Church had of old, euen from the Apostles times, or very neare them, lands and possessions, which were disposed by the chiefe of the clergy, that is, Bishops: there were also, as parishes were distinguished, some portions of land assigned to every parish Church. Ministers then hauing temporalties, as now we call them, it could not choofe but questions might arise concerning those possessions. Now when any trouble or the question did arise, those godly men in the beginning would not be contentious in the law, no not for their owne lands: wherfore because they should neither be drawnen from the seruice of the Church through sutes, nor yet lose their land vppon the suite of contentious men: there were certaine temporall men appointed either by godly kings, whom *Marcellus Pataquinus* calleth *Legislatores*, or by such as gaue those lands, to be Patrons of Churches, who might bee ready to defend the Church-rights, that the Bishops and Pastors might with more fruit, and leſſe incumbrance apply their vocations.

*Marcellus Pataquinus* witnesseth thus much: *Dominum Cap. 14.*

Defens. pa.  
part. 2.  
item.

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temporalium quae sunt pro ministratū Euāgeliū suā substantiā in statuta, est legislatoris, aut eius voluntariorum, qui per legislatorem ad hoc fuerint deputati, vel per eos qui talia dederunt, si fuerint singulares persona, qua supradicta temporalia dederunt, et ordinauerint ex bonis suis ad usum prædictum. Qui sequidem sic statuti ad ecclesiasticorum temporalium defensionem & vindicationem, vocari solebant ecclesiasticum patrum. Nam antiquissimi viri sancti atq; perfecti ministri euāgeliū Christum militari volentes, contra nullum vulnerunt contendere iudicio. Our purpose is not to stay in examining every defect in *Marsilius*, whereunto hee was carried by an earnest welwilling to the Emperours cause, and an hatred against the abuses of the church as then it stood. Onely we note that temporall patrones were appointed by the first doners, not to bestow church-livings, as now they doe, but to defend the rige of the land giuen to the church. For at the first, patrones had no more right, neither could retaine any more to themselves then that which was common to all. This appeareth out of diuers testimonies (which I cite onely for storie sake: for although these be not vndoubted testimonies, yet vndoubtedly this use may bee made of them). Whereas one *Julius* had founded a church, *Gelasius* writeth to *Sempronius* Bishop of that dioces, wherein the church was founded, to dedicate the same. Provided, that first *Julius* did resigne the donation: and hee must know that hee can retaine therein no right to himselfe, *prater processionis aditum, qui omnibus christianis debetur*. What is meant by *processionis aditus*, I leue to the canonists to expound: but by the words it seemeth to be a thing common to all christians. It is likewise witnessod, that one *Frigentius*, founding a Church, retained no more then the former. The same is confirmed by a constitution of the fourth *Toletan Councell*.

*Nouerint conditores basilicarum in rebus quas eisdem conseruant, nullam se potestate habere, sed inmixta canonum instituta, sicut ecclesiam, ita & donum eius ad ordinationem episcopi pertinere. But in the same councell it is granted, that the founders of churches in their life time only may nominate.*

Or 25th:  
glosse see-  
meth to  
read, the  
dotation.  
Caus 16,  
q.7

Ibid.

Concil.  
Tolet. 4.  
can. 31.

minate a minister to the church. Thus much concerning the begining of patronages : where wee may note how far this thing among many is drawnen by corruption frō the beginning : for patrons were first instituted for defence of the church rights from the wrong and insolencies of corrupt and contentious men. But the rights of the church, are this day euery where ouerthrown, as it were by a common conspiracy of men, against the church & ministerie, partly by auncient corruptions, partly by latter. And where can the church haue her right, for corrupt customes? but doe the patrones stand in the gap to defend the church right? doe they not looke on whilst every one maketh halfe to carry away the spoiles, one inuiting another as to a common prey. They will say, it were too much for theē to defend the church in this poillingage : yet this they should doe from the beginning. *Sed quis custodias ipsos custodes?* but I returne to my storie.

We haue shewed out of such records as are left, when tithes began to be established in the Church after the Apostles: how parishes were separated, and tithes severally assigned to each limitation : that the vse of paying tithes to limited Churches was not a matter deviled by the coull of *Lateran*, but in better vse, and more incorrupt order before that coull then ever since: that the vse of patronages in the beginning was for the defence of the church-rights. Now we are to inquire how the succeeding fathers did write of tithes after they were once assigned to particular churchcs.

*Obrysostomi*, teaching an husbandman how he may be a worthie Christian and doe good workes though hee build no Churches, saith: *quasi duela i uxore vel sponsa, vel data virgine, sic erga Ecclesiam affectus esto, dotem ascribe in Actis illis, ita benedictione premium multiplicabitur, quidem non erit illic bonorum? parumne est obsecro torculari benedicti? parumne est Deum ex omnibus fructibus prius partem ac decimas accipere? ad pacem agricultarum hoc vtile: and presently after sprees illic perpetua proprie te, fauores ac synax-*

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*data virginem, sic erga Ecclesiam affectus esto, dotem ascribe in Ag.*  
*illi, ita benedictionis premium multiplicabitur, quid enim non*  
*erit illic bonorum? parvum est obsecro torcular benedici?*  
*parvum est. Denum ex omnibus fructibus prius partem ac*  
*decimas accipere? ad pacem agricultarum hoc utili: and pre-*  
*sently after, preces illic perpetua proprie te, laudes ac synax-*

## CHAP. V.

as proper to him, hee doth not onely teach them that they ought to pay tithes, but he giueth these reasons; because their seruice, prayers, preaching, is for thee: and because this is the meanes to haue a plentifull blessing vpon the rest. Hee witnesseth also the same vse of paying tithes in his time, by reproouing the abusess of Bishops and ministers, when they seemed more carefull to receiue tithes, then to procure the good of the people, of which sort many were in his time, and many moe are in our dayes:

Hom. 44. *Si populus decimas non obtulerit, murmurant omnes: at si peccantem populum viderint, nemo murmurat contra eos.*  
in Mat.

Ad Nepotia. *de vita cler.* Hierom speaking in the person of a minister of the gospel, saith thus. If I then being a part of the Lords inheritance, take not my part among my brethrē, but as a Leuite and Priest, liue of tithes, hauing meat and raiment,

In Malac. 3.8. heerewithall I am contented. Againe he saith, *quod de decimis diximus, qua olim dabantur à populo sacerdotibus & Levitis in Ecclesia quoq; populis intelligito.* In which place he saith farther: *Ecclesia populis praeceptum est dare decimas:* for prooфе he alleageth S. Paul, *The elders that governewell, are worthy of double honor, especially they who labour most in the word and doctrine, expounding honour, maintenance: and vnderstanding that maintenāce, tithes.*

1. Tim. 5. Out of which testimonies of Hierom (who is by Erasmus iudged the most learned of the Latine Fathers) it may be obserued.

First, that the precept of tithes is taken to bee part of the morall law, and ought to be in no leſſe force among Christians then among Iewes, ſuch ſtrangers were the learned Fathers in theſe late deuifes which now are found out, that tithes ſhould be ceremoniall or iudiciall: for albeit theſe teatmes, *decima debentur iure divino*, were not in vſe in theſe auncient times, yet the Fathers exprefly deliuered that which is equiaualent, that Christians are bound to the law of tithes aſwell as Iewes were: that the precept for paying tithes is now to bee vnderſtood in the Church, *secundum literam.*

Secondly, we obſerue that the reaſons vſed in the new Testa-

Testament by the Apostles, doth truly in the Fathers judgements conclude for tithes, and not for the prestant competency, which thing was utterly vnderlawn to the Fathers. Ambrose saith: *Quicunq; recognoueris in se quid fidoliter non dederis decimus, modo emendas quodlibet facit, quid est fidoliter datus nisi ut nec print, nec minu aliquid afferat de grano, aut de uino, aut de fructibus: amborum, aut de pecudibus, aut de horto, &c.* In Augustins time, it seemeth, the people, at least in Africa, were very negligent in paying tithes, and therefore hee exhorteth them very earnestly to that dutie. *Maiores nostri idem capi: omnibus abundabant, quia Dei decimas dabant, ut etiam censum reddebant: modo autem quidquid est de donis Dei, accessum inducitio fisci: noluius partiri cum Deo decimas, modo autem totum tolletur.* In which place he wittelth two things. First, that it was the custome of the Church long before his time to pay tithes. Secondly, that this thing pleased God so much, that hee blessed them who vied it, so that therefore they had abundance: and that men now in his time wanted, because they were not faithfull in this seruice of God: and therefore preaching vpon the 146. psal. vpon these words, *he maketh the grasse to grow vpon the mountaines: he comparreth the husband man to the mountaine, that receiueth raine and bringeth forth grasse, hee comparreth preaching to the raine, and tithes to grasse, ecce mons er, accipe pluia, & da fiem, and therefore a little after he saith, exime par tem aliquam redditum tuorum, decimas vis? decimas exime, quanquam parum sit, dictum est enim quia Phariseas decimas dabant, & quid ait Dominus, nisi abundauerit iustitia vestra plusquam Scribarum & Pharisaorum non intrabili in regnum celorum, & ille super quem debet abundare iustitia sua, decimas dat, in autem vix centesimam dat.* Where S. Augustine expoundeth the word of the Gospell as Origen and other Fathers did, as no leise belonging, yea much more to Christians then to Iewes. Hee speaketh not doubting (as some vnderstand his words) but because the people of his country were so faire from performing this dutie, if

In serm.  
Quadrag.

Lib. 59.  
Habili-  
rum hor-  
mil. 48.

there be any doubt in his words, it is onely in this, whether the tenth part were not too little, for so doth his words imply *decimam vis? decimam exime, quanquam parum sit.* And he whom thou must exceede in righteousnesse payeth either, whereby he implyeth, that thou must pay, moreso then doth not leave it at the peoples liberty to pay tithes, or not to pay, as some take it: but sheweth them that were so far from this duty, that they ought to pay tithes and yet doe more then that. Let the first, liued in S. Augustini time, but yonger, *Gratian* citeth his words thus: *Nulio deumini ad alium pertinetis accipiat: non longe* after this, the councell called *Matisconciil 2.* was held, wherein it was thus decreed. *Leges divine sacerdotibus & ministris ecclesiasticis pro hereditaria portione omnipopulo praecepit: decimam fructuum suorum sacris locis praestare, ut nullo labore impeditur spiritualibus posse vacare ministeriis: quas* tage *Christi auctorum congeries longis temporibus custodidit interemerat: Unde statuimus ut mos antiquus repareatur, ut decimam ecclesiasticas omnium populum inferat.* This councell was held about the yare of Christ, 580: The testimony of the fathers of this councell is to bee obserued. They witnesse that the ordinance of tithes was very auncient in the church before them: and as auncient, so vniuersally receiued among Christians. They witnesse likewise that the right thereof is from the law of God. Before this councell almost an hundredth yeares, was held the first councell of Orleans, which affirmeth the same. After this the sametruth was likewise confirmed by diuerse councells. *Concil. Cabloniensi, 2 cap. 19. concil. Melensi. cap. 2. Concil. Valent. cap. 10. Concil. Foreuiensi. cap. vlt. Concil. Mogunt. cap. 17. Concil. Rothomagi:* which is thus cited by *Gratian:* *Omnis decima terra, sine frugibus, sine deponis arborum, dominis sunt, & illi sanctificantur. Oves, boves, & caprae quae sub virga pastoris transirent, quicquid decima euenierit sanctificabitur Domino.* The fathers of this councell shew that they vnderstood the precept of tithes *Leuit. 27.* literally, no otherwise to bee vnderstood for Jewes then Christians. *Concil. Tibruiensi. cap. 13. and 14. faith* thus:

Cauf.16. **Concil. Mat. cap. 2.** **Cauf. 16. q. 1.** **Concil. Cabilon. cap. 19.** **Concil. Mel. cap. 2.** **Concil. Valent. cap. 10.** **Concil. Forein. cap. vlt.** **Concil. Mogunt. cap. 17.** **Concil. Rothomag.** which is thus cited by **Gratian.** *Omnis decima terra, sine de frugibus, sine de pomis arborum, dominis sunt, & illi sanctificantur. Ones, boves, & capra que sub virga pastoris transeunt, quicquid decima cenerit sanctificantur Domino.* The fathers of this councell shew that they vnderstood the precept of tithes **Lat. 27.** literally, no otherwise to bee vnderstood for Jewes then Christians. **Concil. Triburien. cap. 13.** and 14. faith thus:

thus : quid si diceret Dominus : tempore misericordie tuae  
est terra quam vallis, mea similitudo : quae spatialis mea minima  
qua fatigas, mea est solis ardor. & quum omnia mea fini,  
tu qui manus accomadas solum decimam microbaris, sed ser-  
ua tibi nonem, da mibi decimam, si non dederis decimam, an-  
seram nonem, si dederis mibi decimam, multiplicabo nonem.  
Si ergo querat aliquis, cur decime datur, solerit quod ideo  
danda sunt, ut hac denotione Deum placamus ergo paster  
qua necessaria sunt, & ut ministri Ecclesia exinde retenati,  
liberiores sint ad spiritu alias exercitiis exploitationes. *Gregory* Hom. 16.  
the first saith thus : sicut offerre in legi in boni fratribus  
charissimi, decimas rerum, ita ei offerre contendite decimas  
dierum, where *Gregory* exprely applieth the precept of  
tithes written in the law to Christians, teaching that chris-  
tians in the law were commanded to pay tithes. *Beda*  
in his booke called *Scenilla*, proueth tithes due by Scrip-  
tures and Fathers, he citerh out of *Augustin* : decima ex  
debito requiruntur, & quicquid dare non licet, res alienas inua-  
dit. And againe : hac est Domini iustissima consuetudine, ut si  
tu illa decima non dederis, tu ad decimam renoceris. And  
many other testimonies.

*Cesarinus Arelatens*, Episc: faith, decimas non sunt nostra, sed Hom. 9.  
Ecclesia. *Walafridus Strabo* saith, decimas Deo & sacerdoti-  
bus eius dandas, *Abraham* factis, *Jacob* promissis insinuat, eccles.  
deinde lex statuit, & omnes doctores sancti commemorant, cap. 87.

*Lero* the fourth, about the yeare of Christ, 840, is this ci-  
ted by *Gratian*, de decimis iusto ordine, non tantum nobis, sed *Caul. 16.*

etiam maioribus usum est a plibibus tantum ubi sacra sancta  
baptismata dantur, debere dari. About this time and after  
it, tithes were established by constitutions of Princes, as  
by *Charles the great*, and other. Some learned men haue  
thought, hecane some Princes haue made constitutions  
for tithes to bee payed to the Church: that therefore  
tithes are held by no other right then Princes constituti-  
ons. But before this time tithes were alwaies held by the  
lawes of God, and not of Princes. I graunt if Princes  
were so vngodly, as they were in the time of the Apostles,  
that they would not yeeld to Gods ordinance heerein,

but

## CHAP. 5.

but would resist the same then could no tithes bee payed, as in the Apostles times for that cause they were not, but theright ceaseth not. And as wicked Princes cannot take away the right by stopping the practise: so godly Princes cannot make a right, but onely confirme it, when by their good lawes they yeld to Gods ordinance. Though *Ezechias* by a godly law command the keeping of the Passeouer: yet the Passeouer may not therefore be called the constitution of *Ezechias*. It is the more to be maruailed, that men of learning are so hasty in concluding that tithes are nothing but princes constitutions, because they find them confirmed by some few princes. After this time the Church succeeding agreed with the former Churches in this opinion, as appeareth by the testimonies recorded. *Ament. lib. 3. Annal. Synod. Arelat. 4. cap. 9. Synod. Aegypt. cap. 17.* in which place it is testified, that tithes ought to bee payed, as it is commanded in the law: they testify also that no man can giue acceptable almes of the rest, vnlesse first he separate the tenth to the Lord, which he hath appointed for himselfe from the beginning: they testify farther, that many grudging to pay the tenth part, are therefore often themselves brought to a tenth part: the same is confirmed by *Rabanus Maurus, in Num. lib. 2. ca. 22. & 23. Leges Boiorum apud Ament. lib. 3. Gregory. 2. apud Ament. lib. 3. Concil. Worm. v. 16. q. 1. Nicolans 1. (about the yeare of Christ 858.) v. 16. q. 2.*

And thus in the story of tithes wee are come to those times wherein the change began, for all this while there was no change thought of in this question. After this, began those late deuises whereof wee speake before: for now the Pope being grown to such an incorrigible pride and liberty, that he wold do all things after his owne pleasure, no Prince or Emperour being able to bring him into order, began by his al oppressing power to change this ordinance of tithes, which from the beginning remained untouched till now, for after it was once found out, that all things holy & profane, were ready marchandise for them that

that brought most: then came in exemptions first, and afterward impropriations, transferring tithes from one to an other: when exemptions first came in, I cannot certainly define. In the schisme betweene two Popes *Alexander* the third, and *Victor* the fourth, *Alexander* prevailed by force & perfidiosnelle, as they speake who write thereof: of him it is testifized; *Cistercienset, Hospitarios, & Templarios decimorum solutions exemit*. Before that time *John xv.* gave the like priuilege to *Saint Benets Monks* at *Casinum*, as witneseth *Leo Mariscan: Hostiensis Episcop.* *Lab. 2. cap. 1. hystor. Casinensis monasterij*, in these words, *hoc ultra Iohannem duodecimum, &c. in suo privilegio auctoritate Apostolica adhuc, nullis Episcopo licere ab ulla ex populis monasterio subiectis, vel a quibuslibet ubiq; terrarum ad se pertinentibus Ecclesijs, decimam vinorum sed oblationes defunctorum qualibet occasione percipere*. This *John* was Pope, Ann. 990.

*Catus.  
test. veril.  
tom. 2.  
lib. 15.*

After this the marchandise of exempting and appropriating was well followed: this new practise of Popes against the auncient ordinance of God was first maintained by the wit of *Alexander de Hales*, and after by *Thomas* of Aquine as wee haue shewed. Their devise is that tithes are judiciale: they framed new distinctions to colour the Popes usurpation, after hee had first by impropriations broken the ordinance of God, and put tithes away from the teachers, which from the beginning of the world till these times had not bee done before. All the Schoole-men in a manner follow these two in this question: who with their vnfrofiefull disputationes darkning the Church, as they caried many parts of the holy truth into bondage, so it is not much to bee maruailed if this truth of tithes found among them the same entertainement, which other parts of the truth of greater importance did finde. After this time the right of tithes seemed to lie buried by the Popes usurpation, without great resistance: yet some were found though few, who against the flattery of schoole-men, preserued the truth of this question. *Nicolaus Lyra*, albeit carried into some superstitions

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tions by the streame of those times, yet taught this point not after the late schoole-men, but after the auncient fa-  
thers. So did *Strabus* an *Anglosaxon* the author of the ordinary *Glosse*. *Johannes Semecus*, author of the *glosse* vpon *Grasians* deccrees, did withstand Pope *Clement* the fourth, exacting tithes through Germany, which thing *Semecus* tooke to be vnlawfull, and was therefore excom-  
municate by the Pope, and put from the place of gouern-  
ment, which he held at *Halberstadt*. Against which ini-  
sticte, *Semecus* appealed to a councell, and had many great men fauouring his cause. Whilst the contention grew hot between them, the death of them both ended the quarrell: the storie is in *Krantzius*. And thus the Pope oppressing all with his greatnesse, making open sale of tithes, instituting impropriations, laid waste the Churches everywhere. And in this sort they stood, vntill the time of reformation began by the blessed labours of them whom God raised vp for that seruice. After which time the opinion that tithes were ceremonials was first de-  
vised.

CHAP.





## CHAP. VI.

*The obiections answered, and the point in questi-  
on confirmed.*

Hus farre haue wee followed the story of Tithes from the beginning, though not so exactly as might bee wished, yet so as serueth sufficiently to shew how the right of tithes hath stood: that they were alwaies due to the teachers of the Church, before the law, vnder the law, and in the time of grace. And this is sufficient to shew that this thing belongeth to the morall law, and so to the law of nature. For that which alwaies remaineth the same in all ages of the church, doth surely belong to the morall law. Thus haue tithes alwaies stood the same in all ages of the Church, vntill late corruptions breaking in like a flood, haue taken away the knowledge and right difference of things. But if a man with iudgement thinke of the matter, hee will confesse that late vpstarts opinions, especially such as are maintained neither by scriptures, auncient fathers, nor reasons (for they who hould tithes from the auncient fathers, haue no other argumēt then such as moued the Pope to take them away, might, and usurpation, and that most pleasing reason of

## CHAP. 6.

gaine) A man I say of judgement and indifferency must needs yeeld that the latter opinions ought not to precribe against so sufficient a truth.

Now least any scruple might remaine, wee purpose last of all to consider the objections moued against our conclusion. *Bellarmino* passeth somewhat hastily by it, and maketh but one objection: but *Alfonius Tostatus* bishop of Abula doth insist in the question and seeketh to breed more trouble. First hee woulde prooue that tithes belong not to the law of nature. Secondly, not to the morall law.

*Abulensis*  
in Mat.  
cap. 23.  
qu. 136.

And first he obiecteth thus: God did institute in the olde Testament, that tithes should bee payed, therefore this is not pertaining to the law of nature: the reason is, that which is naturall is not instituted by a law, for vnto such things the bond of nature sufficeth: we answere, wee find many things instituted in the law, which out of question belong to the law of nature, as the whole decalog. *Abulensis* reasoneth against this answere thus: things pertaining to the law of nature, are put amog other precepts, but onely they are contained in the decalog, tithes are put with others. I answer to this last objection, and to the former thus: tithes haue two respects.

First, if wee respect the generall ordinance of tithes, they were not instituted in the law, for this ordinance was before the law, and so tithes were alwaies the Lords, as wee haue shewed. Secondly, if we respect the particular assignation of tithes to the Levites, this is all which was instituted in the law. Now this Leuiticall assignation is put with other precepts, but the generall ordinance of tithes is included in the decalog. The parts of this distinction wee haue probed. Wherefore all that *Abulensis* can prooue by this argument is onely this, that the Leuiticall assignation was not belonging to the law of nature, which we yeeld. Againe, where hee saith, nothing belonging to the law of nature is set among other precepts, this is falso: for those things which are included in the decalog, are often repeated among other precepts: therefore idolatry, whoredome, and such like are forbidden, not onely in the deca-

decalog, but among other precepts, vsury is against the law of nature; as naturall men haue witnessed, yet it is not among other precepts. And the Prophet Esaias doth witness that al these, vsury, idolatry, whoredome, &c. are the breaches of the morall law, Esai. 18. therefore thefethings that belong to the law of nature are set among other precepts. To that obiection which Abulensis diuiniteth from Jacob's vowe, we haue answered before.

Farther he obieceth thus: If they belong to the law of nature, then shoulde all nations be bound thereto. To this we haue answered before shewing that al Christians haue thought themselves bound thereto, and that even heathen men haue thought no lesse.

Another obiection is: If they belong to the law of nature, then shoulde they be due to Gods ministers: and yet in the old Testament tithes were not giuen, nor any part of them to the priests, which were gods chiefe ministers, but onely to the Leuites which were ministers of lesse place. I haue sworne: whereas Abulensis, faith, the priests had no tithes, which saying he often repeateth, we thinke it enough to answer him with the autorite of others. Zwingli a fewe boorne and more skilfull in the auncient affaires of the leues then Abulensis, upon the 7. Heb. faith thus: *Leuiti generaliter recipiebant decimas a religio populo. Inter Leuitas autem illi qui erant maiores illius tribus, videlicet sacerdotes summo sibi Aaron, non solum accipiebant decimam a populo, sed etiam de parte Leuitarum recipiebant, quae erabatur decima decima. Num. 18.* This testimonie spoileth his argument. Hieron also witnesseth asmuch, in Malach. 3. Againe, in the language of the fathers, this word Leuites vnder the gospell is alwayes vised for a preaching minister. Whereby they signified that tithes were due to labouring ministers. Bishops were otherwhise provided for: albeit in the beginning Bishops had the distributing of such things among the ministers. He obieceth farther: When G O D disposed of tithes Num. 18. He saith *I ban me the tithes to the children of David for their service at the tabernacle, the blood of the*

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xxx. <sup>xxxi. in respect that he gave this possession but of late</sup> to the Levites: and therefore commanded them to pos-  
sess nothing among their brethren (thus much we grant: what is the conclusion?) Now if tithes were due by the  
law of nature, then would not God take from them the  
right of possessing the land among the *Israelites*. Wee  
answere this last inference is denied, there is no proofs  
brought for it, neither is there any affinity betwene the  
antecedent and consequent. For GOD may command  
the Levites to possesse no lands. (other then was assign-  
ed to them, which was a large portion) because no  
worldly busynesse should call them away from the ser-  
vise of GOD, and because the ministers of the gospell  
might bee instructed, not to intangle themselves with  
the affaires of this world too much, in which sense the A-  
postle giueth that instruction to *Timothy*: *No man that*

*warrieth* doth intangle himselfe with the affaires of this  
life, because hee would please him that hath chosen him  
to bee a soldier: and yet the generall right of tithes may  
belong to the law of nature for all this. But admitting the  
conclusion, we say it concludeth onely of the Levitical  
assignation, not of the generall ordinance. Another ob-  
jection is: The Levites by the law of nature were not dedi-  
cated to the seruice of the Tabernacle, therefore the tenth  
was not determinable by nature. We answe: The dedica-  
tion of the Levites to the seruice of the Tabernacle was  
ceremoniall. That therefore tithes should be ceremoniall,  
the consequence holdeth not: no, not so much as to proue  
the Levitical assignation ceremoniall. It proueth that as-  
signation onely temporary not perpetuall: For it is to  
last no longer then the seruice of the Levites. This is all  
that can be truly inferred.

Another objection is this: That thing is onely per-  
taining to the law of nature, whose bond and duty may  
bee determined by naturall reason, but naturall reason  
doth not determine numbers, for there can no naturall  
reason be brought, why rather the tenth part then more  
or lesse should bee payed. Wee answe by distinguis-  
ing

ing both lawes, naturall and morall: If yet vnderstand the law of nature to reach as farre as the morall law in his largest sense, (as *Abulensis* vnderstandeth it) then tithes belong to the law of nature, even as doth the sanctifying of a seauenth day to God, and naturall reason doth alwel determine the tenth in number as the seuench in number. And because *Abulensis* taketh naturall in this sense, (for in *Lemist*. chap. 2. qu. 1. he saith: *Moralia praecepia naturalia sunt*) therefore in answering, whensoever I admittithes to belong to the law of nature, I would be vnderstood to speake in this sense. But if we take the law of nature, for that which floweth from natural principles and is manifested to the naturall man by natural meane; so wee grant tithes not naturall. Wee may also distinguish things morall, for either they are morall by diuine institution, or by nature: things morall by nature are those that belong to the law of nature, in which sense the morall law and naturall law is all one.

But morall by institution are all things belonging to the true worshipe of God; which things as they come not from the principles of nature, so they are not knownen to the naturall man. Among these things are sanctifying of a seauenth day by God, and sanctifying of tithes to God: which things are morall by diuine institution; and so, naturall by a secondary declaration after and vpon the law of nature, and in that sense reduced to the law of nature, as all things that are reueiled in the true worshipe of God, being morall, not by nature but by diuine institution.

Another obiection is: If it were morall, then must it remaine as it then stood but then it stood so, as to bee payed to the Leuits, not to the Priests, therefore it should not now be payed to the Priests; yet now it is payed to the Priests. Wee answere, this is a fallacy *magis vnde dico*: the ambiguity is in this word, Priest. They are not now giuen to such Priests as then were, but they are now giuen to the labouring ministers: who albeit in the time of *Abulensis* were commonly called priests, and

(the

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(theword being vnderstood aright) may iustly be so cal-  
led: yet in trut they answer not to the Priests of the olde  
Testament, but to the Leuites as we haue shewed. Againe,  
we haue proued out of *Lxx* and *Hieron*, that even then  
also they were giuen to the Priests.

¶ **A**n other obiection is: tithes were the Leuites right for  
their seruice: but therewas no more reaon to give tithes  
to Leuites, then to Priells: this is answered, it rell eth vpon  
those grounds, that no tithes were then giuen to Priests,  
which is vngue, and that tithes were assignd to the Le-  
uites which speake only of the assigndation, and not of  
the generall ordinance.

¶ **A**nother obiection is: the seruice of the Leuites was a  
greater thing, then that which was giuen for their seruices:  
but the seruice it selfe ceaseth, therefore all the Leuites  
right ought to ceaſe: we answer, we admit the conclusion,  
All the Leuites right ceaseth, that is, that Leuiticall assig-  
nation: but the perpetual ordinance of tithes, as it was be-  
fore *Lxx* can not be taken away by the particular assig-  
nation.

¶ **A**nother obiection he framethus: If it were natural,  
then it could not be changed nor altered by any dispensa-  
tion: wee answere, hoc illud est. This is the great obiection  
that carried *Abulensis*, & all the rest to douse these quirks  
and subtleties against tithes. We can easily answer, that the  
Popes dispensation heretofore was vnlawfull and impious:  
but all meanes must be attempted that mans wit can de-  
uise, before the Popes high crowne be touched. This is  
the obiection which onely was thought vnanswerable,  
all the rest are but brought to fill vp a number, as doing  
their seruice to this: now this reason is with vs of no  
strength, what accompt soever the Papists make of it,  
and even among them, there are diuerse which doubt  
not but that the Pope doth dispense with some things e-  
uen against the law of nature, as appeareth by those ca-  
ses, which are called *casus papales*, which are drawn also  
into versea beginning thus:

Apud fra-  
cis. Alte-  
sanum ite  
Hostiensis  
S. si Catholica papas non indicat nullum.

Wherin

Wherein it is saide that hee hath power to dispense in exemptions and periurie, to dispense with that which is cursed anathemate, to dispense against all the rules and canons of the Church, to dispense with that sinne which is greater then adultery, and such like: and therfore no maruaile if he dispensed against the right of tithes. And these are the great reasones that *Abulensis* bringeth against this question.

*Bellarmino* bringeth but one argument, and that to proue tithes not ceremoniall, but iudicall: he saith tithes are not ceremoniall but iudicall: *nam non ordinantur immediatim ad colendum Deum, sed ad agitatem inter homines.* De clericis lib. 1. cap. 25 But how doth he proue this? for saith he, God commaunded tithes shoule bee payed to *Levy*, because *Levy* was the tenth part of Israell, that there might be a proportion betweene their estate and the rest: we answere, this reason for paying tithes is found in no Scripture, but in *Bellarmino*nes idle conceit, vvhio afterwarde misliking it, ouerthroweth it, and findeth *Levy* to bethe the twelfth part of Israell. Againe, if this were a reason to pay tithes, then ought not tithes to haue been payed before the lawe, for this reason had no place when *Abraham* and *Jacob* payed tithes. Farther: the reasons that are in the Scripture do ouerthrow this reason, for God assigneth tithes to *Levy* out of his owne proper right, because all tithes are the Lords, *Levit. 27*. If the Lord before and in the lawe had right to all tithes, then this true reason both taketh away *Bellarmino*nes false reason, and proueth that false which *Bellarmino* saith, tithes had no immediate ordination to the worship of God. Last of all, if this reason conclude any thing against vs, that tithes are not morall, because they haue no immediate ordination to the worship of God, by the same reason it holdeth likewise against all maintenance of Ministers: and yet they who deny vs tithes, grant that some maintenance is due, and part of the morall law. Now looke what ordination the maintenance which they yeeld vs, hath to the worship of God, the same wee proue of tithes: but *Bellarmino* saith as much for vs, as wee can desire.

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To. 1. con. desire, certum est (sair he) preceptum de solvendis decimis,  
§. L. 1. c. 25. quia parte diuinum & naturale est, non posse villege huma-  
na vel consuetudine contraria aboleri, ac proinde certum est,  
Ecclesiam habere ius petendi decimas, etiam ubi consuetudo  
est, ut non solvantur: in hoc enim omnes theologi & Canonistae  
conueniunt. If this be so certaine, then its also certaine that  
if it were not for the Popes dispensations to the contrarie,  
all Papists would assent to our conclusion.

By this grant of Bellarmine we haue gotten somewhat,  
that all the Schoole-men & Canonists, that is, in a manner  
all papists, hold that the precept of tithes is diuine and of  
the law of nature in some sort, & that therfore the Church  
hath right to claim tithes, which words would be well no-  
ted: for if therfore the Church hath right to demaund  
tithes, because in some sort tithes belong to the morall &  
naturall lawe, then are tithes neither iudicall nor ceremoni-  
all in any sort. For that which the Church may alwaies  
demaund is naturall, and diuine. But the Church, saith  
Bellarmine, may alwaies demand tithes, that is, the tenth  
part, though custome be against it. Therefore the tenth  
part is due by the lawe of God and of Nature. Now the  
Church hath not alwaies right to demand things ceremoni-  
all, or iudicall.

By this which Bellarmine granteth, wee haue enough:  
for hee proueth that the *quarta pars* is naturall and diuine.  
And whether Bellarmine grant thus much or not, the  
force of the truth will compell every man to confesse that  
the thing which must of right alwaies be demanded in the  
Church, is naturall, and diuine. Now certaine it is, that  
the Church hath no right to demaund any other kinde of  
maintenance then tithes.

In Mat. 23.  
q. 148. Abulensis (who seemeth to bee much more curious  
then Bellarmine) moueth this question, *quoniam iure de-  
betur decima?* After much disputacion, his resolute an-  
swere is, *debetur iure canonico, quia non debetur iure natu-  
re, nec diuino, nec ciuili, quoniam illud non imponat onera pro-  
ministris Dei: neq; est enim aliqua lex ciuilis qua obligat om-  
nes Christianos, quoniam non sit aliquis unus princeps secularis  
omnium.*

*omnium, sicut est unus princeps ecclesiasticus.* In which words wee obserue the absurdities wherinto great wits must needs fall, when once they resolute to haue the truth, as Saint James saith, in respect of persons. For by this it appeareth what they would hold if the Popes authortie, to the contrary, did not set a byas vpon their wits and words.

First, hee saith, tithes are due onely *in re Canonico*: but what then must besайд of thosetimes before this *in re Canonicum* was inuented? Tithes were proued by the auncient Fathers to bee due, when there was no Canon lawe in the world, and were more sincerely held by the Church before, then after the Canon lawe came in, helde by the Fathers from the law of God, and no other.

Secondly, hee grauenteeth that tithes are not due, *are ci-  
vili*, and giueth reasons why they cannot stand by that  
law: which are well to be marked, because, saith hee, tithes  
are the Ministers right through all Christendome. Now  
neither doth the ciuill Magistrate impose those rights, nei-  
ther is there any one ciuill Prince that ruleth ouer all chri-  
stendome: therefore they are not, neither may be im-  
posed by the ciuill lawes. If this reason be good, then is it  
certaine that tithes haue nothing to doe with iudicials: for  
nothing is iudicall, but that which may bee imposed  
by the ciuill lawes: this is an euident truth which none de-  
nieth that knoweth what are iudicials: whereby it is no  
lesse euident that *Abulensis* dooth vitterly ouerthrow all  
thaedeuise at once, which the Schoole-men so busily build  
vp.

Thirdly, wee reason from his enumeration of lawes thus: **Tithes are due by some lawe;** either by the lawe of God, or by the ciuill lawes, and Princes constitutions, or by the Canon lawe. But **Abulensis** and the rest of that side graunt that they are not due by the ciuill lawe, and Princes constitutions: and wee proove that they are not due by the Canon lawe, (because they were more duely, more orderly, and sincerely payed and helde before the Canon lawe was inuocated, then euer they were since).

## CHAP. 6.

therefore it must follow that they are due by the lawe of God. As this standeth against the Papists, so it standeth no less strong against such as hold tithes, Princes constitutions: because it is proved that tithes were helde as orderly, and duely in the Church, before they were confirmed by Princes constitutions, as afterwarde. Princes indeede may confirme or forbid the vse, but they cannot make or take away the right.

Wherefore seeing all that standeth against vs is declared to be of no force: and that wee haue proved that the maintenance in the Apostles times, was nothing but almes: that tithes were established in the Church as the auncient ordinance of God: that this ordinance is not iudicall, because it is holy, and of things separate from common vse: nor ceremoniall, because it was not ordained to remaine onely vntill the time of reformation, but remaineth after that time: seeing these things stand thus, wee may safely conclude that tithes are now due to to the Ministers of the Church by the express word of God, as they haue beene alwaies accounted in the best ages of the Church.

F I N I S.



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